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COMMITTEE: **PLANNING COMMITTEE**

VENUE: **Council Chamber, Council Offices, Corks Lane, Hadleigh**

DATE: **Wednesday, 21 June 2017 at 9.30 am.**

Members

Sue Ayres
Peter Beer
Sue Burgoyne
David Busby
Derek Davis
Alan Ferguson
John Hinton

Michael Holt
Adrian Osborne
Stephen Plumb
Nick Ridley
David Rose
Ray Smith
Fenella Swan

The Council, members of the public and the press may record/film/photograph or broadcast this meeting when the public and the press are not lawfully excluded. Any member of the public who attends a meeting and objects to being filmed should advise the Committee Clerk.

AGENDA

PART 1

ITEM

BUSINESS

Page(s)

1 SUBSTITUTES AND APOLOGIES

Any Member attending as an approved substitute to report giving his/her name and the name of the Member being substituted.

To receive apologies for absence.

2 DECLARATION OF INTERESTS

Members to declare any interests as appropriate in respect of items to be considered at this meeting.

3 PL/17/1 - TO CONFIRM THE MINUTES OF THE MEETING HELD ON 26 APRIL 2017 1 - 6

4 PL/17/2 - TO CONFIRM THE MINUTES OF THE MEETING HELD ON 10 MAY 2017 7 - 8

5 TO RECEIVE NOTIFICATION OF PETITIONS IN ACCORDANCE WITH THE COUNCIL'S PETITION SCHEME

6 QUESTIONS BY THE PUBLIC

| ITEM | BUSINESS | <u>Page(s)</u> |
|------|--|----------------|
| | To consider questions from, and provide answers to, the public in relation to matters which are relevant to the business of the meeting and of which due notice has been given in accordance with the Committee and Sub-Committee Procedure Rules. | |
| 7 | <u>QUESTIONS BY COUNCILLORS</u> | |
| | To consider questions from, and provide answer to, Councillors on any matter in relation to which the Committee has powers or duties and of which due notice has been given in accordance with the Committee and Sub-Committee Procedure Rules. | |
| 8 | <u>SITE INSPECTIONS</u> | |
| | In addition to any site inspections which the Committee may consider to be necessary, the Corporate Manager – Growth and Sustainable Planning will report on any other applications which require site inspections. | |
| | The provisional date for any site inspections is Wednesday 28 June 2017. | |
| 9 | <u>PL/17/3 - PLANNING APPLICATIONS FOR DETERMINATION BY THE COMMITTEE</u> | 9 - 12 |
| | An Addendum to Paper PL/17/3 will be circulated to Members prior to the commencement of the meeting summarising additional correspondence received since the publication of the agenda but before 12 noon on the working day before the meeting, together with any errata. | |
| a | <u>B/17/00441 - Former Wardle Storeys, Factory Lane, Brantham (Pages 13 - 38)</u> | |
| b | <u>B/16/01670 - Easterns, 31 Station Road, Sudbury (Pages 39 - 56)</u> | |
| c | <u>B/16/01457 - Land East of Samsons Lodge, Whatfield Road, Aldham (Pages 57 - 74)</u> | |
| d | <u>B/17/00023 - Ceylon House, Raydon Road, Hintlesham (Pages 75 - 90)</u> | |
| e | <u>B/17/00200 - Land to the rear of Dunedin, Queens Close, Sudbury (Pages 91 - 102)</u> | |
| f | <u>B/17/00232 - 46 Broom Street, Great Cornard, SUDBURY (Pages 103 - 112)</u> | |

| ITEM | BUSINESS |
|------|----------|
|------|----------|

Page(s)

Notes:

Notes:

1. The next meeting is scheduled for Friday 30 June 2017 commencing at 9.30 a.m.
2. Where it is not expedient for plans and drawings of the proposals under consideration to be shown on the power point, these will be displayed in the Council Chamber prior to the meeting.
3. The Council has adopted a Charter for Public Speaking at Planning Committees, a link is provided below:

<http://baberghmidsuffolk.moderngov.co.uk/documents/s4772/Public%20Speaking%20Arrangements.pdf>

Those persons wishing to speak on a particular application must register their interest to speak no later than **two clear working days before the Committee meeting**, as detailed in the Charter for Public Speaking (adopted 30 November 2016).

The registered speakers will be invited by the Chairman to speak when the relevant item is under consideration. This will be done in the following order:

- A representative of the Parish Council in whose area the application site is located to express the views of the Parish Council;
- An objector;
- A supporter;
- The applicant or professional agent / representative;
- County Council Division Member(s) who is (are) not a member of the Committee on matters pertaining solely to County Council issues such as highways / education;
- Local Ward Member(s) who is (are) not a member of the Committee.

Public speakers in each capacity will normally be allowed **3 minutes** to speak.

Local Ward Member(s) who is (are) not a member of the Committee are allocated a maximum of **5 minutes** to speak.

For further information on any of the Part 1 items listed above, please contact Linda Sheppard on (01473) 826610 or via email at committees@baberghmidsuffolk.gov.uk.

For further information on any of the Part 1 items listed above, please contact Committee Services on 01473 826610 or via e-mail at committees@baberghmidsuffolk.gov.uk.

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Agenda Item 3

BABERGH DISTRICT COUNCIL

MINUTES OF THE MEETING OF THE BABERGH PLANNING COMMITTEE HELD IN COUNCIL CHAMBER, COUNCIL OFFICES, CORKS LANE, HADLEIGH ON WEDNESDAY, 26 APRIL 2017

PRESENT: Peter Beer - Chairman

Sue Ayres
David Busby
Derek Davis
Michael Holt
Lee Parker
Nick Ridley
Ray Smith

Sue Burgoyne
Tina Campbell
John Hinton
Adrian Osborne
Stephen Plumb
David Rose

120 DECLARATION OF INTERESTS

Councillors Peter Beer and Dave Busby subsequently declared a local non-pecuniary interest in Application No B/16/01718 (Item 4 of Paper S134) - former Monks Eleigh C of E Primary School - in their capacity as Suffolk County Councillors.

121 MINUTES

RESOLVED

That the minutes of the meetings held on 15 and 29 March 2017 be confirmed and signed as correct records.

122 PETITIONS

None received.

123 QUESTIONS BY THE PUBLIC

None received.

124 QUESTIONS BY COUNCILLORS

None received.

125 PAPER S134 - PLANNING APPLICATIONS FOR DETERMINATION BY THE COMMITTEE

The Chairman referred to the decision taken in advance of the meeting to remove from the agenda Items 1 and 2 of Paper S134. Members were aware of the reasons for the decision which had been taken by the Chairman in consultation with the Corporate Manager – Growth and Sustainable Planning in accordance with paragraph 9.5 of the Council's Planning Charter.

Members had before them an Addendum to Paper S134 (circulated prior to the commencement of the meeting) updating them on Item 4, together with errata.

In accordance with the Council's Charter for public speaking at Planning Committee, a representation was made as detailed below relating to the item in Paper S134, and the speaker responded to questions put to him as provided for in the Charter:-

| <u>Application No.</u> | <u>Representation from</u> |
|---------------------------|------------------------------------|
| B/17/00214 and B/17/00215 | Stuart Davis (Agent for Applicant) |

RESOLVED

- (1) That it be noted that Items 1 and 2 of Paper S134 were withdrawn from consideration in advance of the meeting for further investigation and evaluation of significant new information arising since the preparation of the Committee reports.**
- (2) That subject to the imposition of conditions or reasons for refusal (whether additional or otherwise) in accordance with delegated powers under Council Minute No. 48(a) (dated 19 October 2004) a decision on the items referred to in Paper S134 be made as follows:-**

(a) SPROUGHTON

| | |
|---|---|
| Application No. B/16/01216 Paper S134 – Item 3 | Submission of details under O.P.P. B/11/00745/OUT - For the erection of 30 dwellings and associated works: Details submitted regarding access to the site; the appearance, layout and scale of the development and the landscaping of the site (Condition 2) with accompanying details relating to sustainability measures (Condition 21). As amended by sustainability information received 12 December 2016 and 14 March 2017; revised Access Layout SK03 Rev P3 and revised house types (Plots 8 - 17) received 27 January 2017; revised Layout Plan Drawing No CLS/03G received 25 April 2017 and as amplified by Photo Voltaic panel information received 4 April 2017, land south of Sproughton VC Primary School, Church Lane. |
|---|---|

The Case Officer, Lynda Bacon, reported the receipt of an amended plan showing revisions to the tree/landscape strip and confirmed in response to Member queries that the outline permission included an appropriate archaeological condition and provision for the transfer to the Council of the public open space.

She also asked Members to include two additional conditions regarding the tree/landscaping strip revisions if they were minded to approve the reserved matters application.

RESOLVED

That planning permission be granted subject to conditions including:-

- **Provision of footpath linking development to southern school boundary**
- **Submission of a planting specification for the amended tree/landscape strip**
- **Submission of a management plan for the future maintenance of the tree/landscape strip**

(b) MONKS ELEIGH

**Application No. B/16/01718
Paper S134 – Item 4**

Outline application – all matters reserved except means of access – redevelopment of former Monks Eleigh C of E Primary School site for residential development (Class C3) comprising up to 17 dwellings maximum; formation of new vehicular means of access off Church Field to replace existing together with associated landscape and related improvements, former Monks Eleigh School, Church Field.

The Case Officer, Steven Stroud, referred to the updated information in the Addendum to Paper S134, which confirmed that notwithstanding that the Council can no longer demonstrate a 5-year land supply, the Officer recommendation remained unchanged, subject to the minor amendment to the condition regarding the number of dwellings to be fixed 'as up to 17 no. maximum' as set out in the Addendum.

RESOLVED

(1) That the Corporate Manager – Growth and Sustainable Planning be authorised to secure a planning obligation under Section 106 of the Town and Country Planning Act, 1990, to provide:-

- **35% Affordable Housing (on site);**
- **£25k, as required by Sport England;**
- **Arrangements for ongoing management of public spaces.**

(2) That, subject to (a) the completion of the Planning Obligation in Resolution (1) above, and (b) the adequate resolution of outstanding ecological issues, the Corporate Manager – Growth and Sustainable Planning be authorised to grant Planning Permission subject to conditions including:-

- **Standard time limit and Reserved Matters Conditions;**
- **Approved Plans: SLP and Layout (only in so far as relating to access);**
- **Quantum of total dwellings fixed as up to 17 no. maximum;**
- **Development to accord with agreed ecological details as may be required;**
- **Levels details;**
- **Detailed hard/soft landscaping with reserved matters;**
- **External lighting details with reserved matters;**
- **Sustainability/energy/emissions details with reserved matters;**
- **External facing materials samples/details;**
- **Construction management plan;**
- **Fire hydrants details;**
- **As requested by SCC Floods;**
- **As requested by SCC Highways;**
- **As requested by SCC Archaeology;**
- **As requested (and applicable) by Anglian Water;**
- **Waste management/recycling details;**
- **Arboricultural method statement/tree protection details.**

(3) That, in the event of the Planning Obligation referred to in Resolution (1) above not being secured the Corporate Manager – Growth and Sustainable Planning be authorised to refuse Planning Permission, for reason(s) including:-

- **Inadequate provision of infrastructure contributions which would fail to provide compensatory benefits to the sustainability of the development and its wider impacts, contrary to Policies CS19 and CS21 of the Core Strategy.**

(4) That, in the event that, notwithstanding Resolutions (1) and (3) above, ecological matters are not resolved to the satisfaction of the Corporate Manager – Growth and Sustainable Planning, he be authorised to refuse planning permission, for the following reason (summarised):

- **Lack of information and/or measures to mitigate impacts upon protected and/or priority species, contrary to local and national planning policies.**

(c) POLSTEAD

**Application Nos.
B/17/00214 and B/17/00215
Paper S134 – Item 4**

Full application and application for Listed Building Consent – the upgrading of the existing single storey rear lean-to extension and erection of single-story side extension to form an annexe, Tills Farm, Hadleigh Road.

Steven Stroud, Senior Planning Officer, presented the application which was recommended for refusal for reasons relating to the less than substantial harm which would not be outweighed by any public benefit.

After an initial discussion, and notwithstanding the Case Officer's recommendation in the report, a motion was proposed, but not seconded, to defer consideration for further discussions to take place with the applicant on possible amendments to the current proposals.

The Officer recommendation of refusal was then proposed and seconded and at this point the Corporate Manager – Growth and Sustainable Planning referred to the issues which should be addressed when deciding whether a proposal has an impact or whether it poses a degree of harm, less than substantial or otherwise, which is or is not outweighed by public benefit. After further discussion on these aspects, the motion to refuse was lost on being put to the vote.

Approval of both applications was then moved on the grounds that although there would be an impact on the Listed Building, the proposer and seconder did not consider that the applications as submitted constituted less than substantial harm, that the wider public benefits which would arise from the proposals would outweigh any impact, and that the applications were therefore compliant with Policy HS35. The motion included specific, as well as standard, conditions and was carried on being put to the vote.

RESOLVED

That planning permission and Listed Building Consent be granted, subject to conditions including:-

- **Materials**
- **Window details**
- **Annexe to be tied to the main dwelling**

126 PAPER S135 - FOOD ENTERPRISE ZONES - DRAFT LOCAL DEVELOPMENT ORDER FOR THE STEVIN'S SITE, WHERSTEAD

Dawn Easter, Economic Development Officer, introduced Paper S135 from the Corporate Manager – Open for Business, seeking Committee approval to the public consultation exercise on a draft Local Development Order for a second site within the Orwell Food Enterprise Zone.

RESOLVED

That the draft Local Development Order (LDO) as contained in Appendix A to Paper S135 be adopted for the purposes of public consultation to run for a period of 28 days in relation to the Stevin's Site, The Strand, Wherstead.

The business of the meeting was concluded at 11.10 a.m.

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Chairman

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Agenda Item 4

BABERGH DISTRICT COUNCIL

MINUTES OF THE MEETING OF THE BABERGH PLANNING COMMITTEE HELD IN COUNCIL CHAMBER, COUNCIL OFFICES, CORKS LANE, HADLEIGH ON WEDNESDAY, 10 MAY 2017

PRESENT: Peter Beer - Chairman

| | |
|--------------|----------------|
| Sue Ayres | Sue Burgoyne |
| David Busby | Tina Campbell |
| Derek Davis | John Hinton |
| Michael Holt | Adrian Osborne |
| Lee Parker | Stephen Plumb |
| Nick Ridley | David Rose |
| Ray Smith | |

127 DECLARATION OF INTERESTS

None declared.

128 PETITIONS

None received.

129 QUESTIONS BY THE PUBLIC

None received.

130 QUESTIONS BY COUNCILLORS

None received.

131 PAPER S136 - PLANNING APPLICATIONS FOR DETERMINATION BY THE COMMITTEE

In accordance with the Council's Charter for Public Speaking at Planning Committee, representations were made as detailed below relating to the item in Paper S136 and the speakers responded to questions put to them as provided for in the Charter:-

| <u>Application Nos.</u> | <u>Representations from</u> |
|---------------------------|---|
| B/17/00066 and B/17/00067 | Clive Arthey (Parish Council Chairman) Russell Page (Applicant) Bryn Hurren (Ward Member) |

RESOLVED

That subject to the imposition of conditions or reasons for refusal (whether additional or otherwise) in accordance with delegated powers under Council Minute No 48(a) (dated 19 October 2004) a decision on the item referred to in Paper S136 be made as follows:-

LINDSEY

Application Nos. B/17/000066 and B/17/000067 Full application and application for Listed Building Consent – Erection of front porch, Falcon Hall, The Tye.

The Parish Council representative read out in full the letter from the Parish Council which was briefly referred to in Paper S136. The Case Officer, Andrew Thornton, confirmed that he had received the letter and also confirmed the receipt of further letters of support for the application, which now totalled nine.

Members were aware of the Heritage Team's view as set out in Part Three of the Planning Officer's report and gave careful consideration to the likely impact of the proposal on the character and appearance of the listed building and to its significance as a designated heritage asset. Whilst it was accepted that the proposals would have an impact on the existing building, Members considered that no harm would result and that the balancing exercise against possible public benefit was therefore not required. They did however consider that the proposal would benefit the listed building by improving its liveability for the current occupiers and for future generations, thus helping to secure its continued existence as a heritage asset. It was considered that it would be possible to condition the use of suitable materials which would not be detrimental to the listed building.

Notwithstanding the recommendation of the Corporate Manager – Growth and Sustainable Planning to refuse permission for the reasons set out on page 14 of Paper S136, a motion to grant planning permission and Listed Building Consent, with appropriate conditions, was carried on being put to the vote.

RESOLVED

That planning permission and Listed Building Consent be granted subject to conditions including:-

- **Standard Time Limit Condition**
- **List of approved Plans**
- **Details and sample of materials**
- **Precise details of windows and doors to be submitted prior to commencement of work, or soon after**

132 CHAIRMAN'S REMARKS

The Chairman closed this final meeting of the Committee before the Annual Council Meeting by thanking Members and Officers for their support.

The business of the meeting was concluded at 10.15 a.m.

.....
Chairman



PL/17/3

BABERGH DISTRICT COUNCIL

PLANNING COMMITTEE

21 June 2017

SCHEDULE OF APPLICATIONS FOR DETERMINATION BY THE COMMITTEE

| Item | Page No. | Application No. | Location | Officer | Decision |
|------|----------|-----------------|----------|---------|----------|
|------|----------|-----------------|----------|---------|----------|

APPLICATIONS REQUIRING REFERENCE TO PLANNING COMMITTEE

| | | | | | |
|----|---------|------------|--|----|--|
| 1. | 13-38 | B/17/00441 | Former Wardle Storeys, Factory Lane, Brantham | MC | |
| 2. | 39-56 | B/16/01670 | Easterns, 31 Station Road, Sudbury | JP | |
| 3. | 57-74 | B/16/01457 | Land East of Samsons Lodge, Whatfield Road, Aldham | AS | |
| 4. | 75-90 | B/17/00023 | Ceylon House, Raydon Road, Hintlesham | JD | |
| 5. | 91-102 | B/17/00200 | Land to the rear of Dunedin, Queens Close, Sudbury | JD | |
| 6. | 103-112 | B/17/00232 | 46 Broom Street, Great Cornard, SUDBURY | JD | |

Philip Isbell
Corporate Manager – Growth and Sustainable Planning

BABERGH DISTRICT COUNCIL

PLANNING COMMITTEE

SCHEDULE OF APPLICATIONS MADE UNDER THE TOWN AND COUNTRY PLANNING ACT 1990, AND ASSOCIATED LEGISLATION, FOR DETERMINATION OR RECOMMENDATION BY THE PLANNING COMMITTEE

This Schedule contains proposals for development which, in the opinion of the Corporate Manager - Development Management, do not come within the scope of the Scheme of Delegation to Officers adopted by the Council or which, although coming within the scope of that scheme, she/he has referred to the Committee to determine.

Background Papers in respect of all of the items contained in this Schedule of Applications are:-

1. The particular planning, listed building or other application or notification (the reference number of which is shown in brackets after the description of the location).
2. Any documents containing supplementary or explanatory material submitted with the application or subsequently.
3. Any documents relating to suggestions as to modifications or amendments to the application and any documents containing such modifications or amendments.
4. Documents relating to responses to the consultations, notifications and publicity both statutory and non-statutory as contained on the case file together with any previous planning decisions referred to in the Schedule item.

DELEGATION TO THE CORPORATE MANAGER - DEVELOPMENT MANAGEMENT

The delegation to the Head of Economy includes the power to determine the conditions to be imposed upon any grant of planning permission, listed building consent, conservation area consent or advertisement consent and the reasons for those conditions or the reasons to be imposed on any refusal in addition to any conditions and/or reasons specifically resolved by the Planning Committee.

(Minute No 48(a) of the Council dated 19 October 2004).

PLANNING POLICIES

The Development Plan comprises saved policies in the Babergh Local Plan adopted June 2006. The reports in this paper contain references to the relevant documents and policies which can be viewed at the following addresses:-

The Babergh Local Plan: <http://www.babergh.gov.uk/babergh/LocalPlan>

National Planning Policy Framework:

<http://www.communities.gov.uk/documents/planningandbuilding/pdf/2116950.pdf>

LIST OF ABBREVIATIONS USED IN THIS SCHEDULE

| | |
|------------|-------------------------------------|
| AWS | Anglian Water Services |
| CFO | County Fire Officer |
| LHA | Local Highway Authority |
| EA | Environment Agency |
| EH | English Heritage |
| NE | Natural England |
| HSE | Health and Safety Executive |
| MoD | Ministry of Defence |
| PC | Parish Council |
| PM | Parish Meeting |
| SPS | Suffolk Preservation Society |
| SWT | Suffolk Wildlife Trust |
| TC | Town Council |

Agenda Item 9a

Committee Report

Item No: 1.

Reference: B/17/00441/FUL
Case Officer: Melanie Corbishley

Description of Development: MAJOR APPLICATION - Erection of light maintenance and train stabling depot to include a train maintenance building, train stabling sidings, a track connection to the existing main rail line, train washing facility, wheel lathe facility, new depot access road, administration offices, staff accommodation and associated staff and visitors car park.

Location: Former Wardle Storeys, Factory Lane, Brantham

Parish: Brantham

Ward: Alton

Ward Member/s: Cllr Alistair McGraw. Cllr Harriett Steer.

Site Area: 9.42 ha

Conservation Area: n/a

Listed Building: n/a

Received: 10/03/2017

Expiry Date: 15/06/2017

Application Type: FUL

Development Type: Major

Environmental Impact Assessment: Not required.

Applicant: Abellio East Anglia Ltd

Agent: Boyer Planning Ltd

DOCUMENTS SUBMITTED FOR CONSIDERATION

List of applications supporting documents and reports

00500_A02 Site Plan
00505_A01 3D Visualisations
00510_A02 Maintenance Building Floor Plans
00525_A02 Elevations North and East
00530_A02 Elevations South and West
00550_A02 SUD Integration Concept Outline
47924-P-01 Access Road General Arrangement
P115-2536-02A Lighting Design Scheme
P115-2536-02A Lighting Design Scheme
40443-C-20
40443-C-22
40443-C-30
40443-C-21

Planning Statement;
Design and Access Statement;
Landscape and Visual Impact Assessment;
Preliminary Ecological Appraisal;
Flood Risk Assessment;
Sustainability and Energy Statement;
Contaminated Land Assessment;
Noise Assessment;
Statement of Community Involvement;

The application, plans and documents submitted by the Applicant can be viewed online via the following link www.baberghmidsuffolk.gov.uk. Alternatively a copy is available to view at the Mid Suffolk and Babergh District Council Offices.

SUMMARY

1. The proposal has been assessed with regard to adopted development plan policies, the National Planning Policy Framework and all other material considerations. The officers recommend approval of this application.

PART ONE – REASON FOR REFERENCE TO COMMITTEE

The application is referred to committee for the following reason:

It is a “Major” application for:-

- Industrial buildings with a gross floor space exceeding 3,750sqm.

PART TWO – APPLICATION BACKGROUND

History

2. The planning history relevant to the application site is listed below. A detailed assessment of the planning history including any material Planning Appeals will be carried out as needed in Part Three:

| REF: | PROPOSAL: | DECISION: | DATE: |
|----------------|---|------------------|--------------|
| B/15/00263/OUT | Hybrid application for regeneration of existing industrial estate and development of adjoining land. Outline: Mixed use development to comprise approximately 320 dwellings; approximately 44,123 sqm of Class B1, B2 and | Granted | 18.11.2016 |

B8 employment uses; approximately 720sqm of Class A1, A3, A4 and A5 retail uses and Class D1 community uses; provision of public open space and new playing pitches (Class D2). Full: Proposed new access from Brooklands Road; improvements to Factory Lane; new on site road network and structural landscaping; and foul and storm water drainage infrastructure (As amplified by Transport Assessment (Rev B dated April 2015) received on 7 May 2015).

Details of Previous Committee / Resolutions

3. See planning history above.

Details of member site visit

4. None in this instance, site visit held for hybrid application (B/15/00263/OUT)

Details of any Pre Application Advice

5. Strategic pre application advice given following resolution of outline planning permission.

List of other relevant legislation

6. Below are details of other legislation relevant to the proposed development.

- The Conservation of Habitats and Species Regulations 2010

PART THREE – ASSESSMENT OF APPLICATION

7. Summary of Consultations

Anglian Water Services Ltd

- Our records show that there are no assets owned by Anglian Water or those subject to an adoption agreement within the development site boundary.
- The foul drainage from this development is in the catchment of Brantham Water Recycling Centre that will have available capacity for these flows.
- Development will lead to an unacceptable risk of flooding downstream. A drainage strategy will need to be prepared in consultation with Anglian Water to determine mitigation measures.

- From the details submitted to support the planning application the proposed method of surface water management does not relate to Anglian Water operated assets. As such, we are unable to provide comments on the suitability of the surface water management. The Local Planning Authority should seek the advice of the Lead Local Flood Authority or the Internal Drainage Board. The Environment Agency should be consulted if the drainage system directly or indirectly involves the discharge of water into a watercourse.
- Should the proposed method of surface water management change to include interaction with Anglian Water operated assets, we would wish to be re-consulted to ensure that an effective surface water drainage strategy is prepared and implemented.
- Conditions are requested to deal with the above matters.

Brantham Parish Council

- No objection but request a Construction Management Plan that addresses a number issues that could impede local residents.
- All lighting visible from the road or village shall be downlighting, designed to eliminate glare to the road and village.

The Chief Fire Officer

- Suggest a condition regarding the use of fire hydrants

County Highway Authority

No objection, recommends conditions and improvement works.

Dedham Vale and Stour Valley Project

- Holding response-
- The proposed development site is considered to be within the setting of the Dedham Vale Area of Outstanding Natural Beauty (AONB) and the Suffolk Coast & Heaths AONB. The proposal should seek to accord with national and local policies, pay due regard (ref. S. 85 of the Countryside and Rights of Way Act, 2000) to the statutory purpose of the AONB: to conserve and enhance the area's natural beauty and positively contribute to the purposes of the AONB designation.
- Request for further information regarding the visual impact the proposal will have on the setting of the AONB
- The LVIA refers to a Landscape Strategy; however this does not appear to be amongst the submitted documents. I would recommend that the Landscape Strategy must form part of the application and should be submitted prior to determination of the application. Specifically this needs to detail the location of all existing and proposed new planting, with details of species, planting specifications etc. as would normally be expected. We note that the D&A layout plan mentions a proposed bund. Details of the bund location, height and planting proposed on or near it will also need to be provided. The appropriateness or otherwise of a bund around the site in this landscape setting needs to be considered in the context of this particular landscape setting.
- Concerns about the colour of the building and impact on the setting of the AONB
- Insufficient information regarding lighting and noise
- Insufficient information submitted regarding ecological impact and mitigation. We would defer to
- Natural England's advice in relation to the designated sites and also recommend that the advice of specialist consultees, including RSPB and Suffolk Wildlife Trust, is sought in relation to the mitigation and enhancement opportunities in this area.

The Environment Agency

Contaminated Land

- Original comments superseded by a second response, which indicated that earlier suggested conditions are no longer required as they are covered by conditions laid out in B/15/00263/OUT.

Water Quality

- During operation of the site all sewage & trade effluents will be discharged to the public foul sewer. This is the preferred route and the applicant is advised to discuss the proposals with Anglian Water Services to ensure there is suitable capacity at the water recycling works.
- Pre-app discussions involved the release of groundwater remediation waste water to ground. It is now believed that the contaminated groundwater will be removed from site for disposal. If the situation changes and a discharge to ground is required, further discussions need to be held with us as it is likely that a Groundwater Activity Permit will be required for a discharge to ground.

Flood Risk

- No objection. Flood proofing of the building is suggested.

Essex County Council

Travel Plan

- A number of amendments and suggestions are made, including clarification over the number of parking spaces, the parking policy, that surveys should be annual and not biannually, are the targets in the travel plan realistic, car sharing could be promoted, promotion of public transport season ticket salary sacrifice scheme, discounts with local cycle outlets, reference to setting up pool cars for employees, measures to reduce the need for driving: provision of on-site video and teleconference facilities, provision of car share parking bays, charging staff to park, guaranteed ride home scheme for car sharers

Highways

- No objection and suggest a condition regarding the provision of a new cycleway/footway between Brantham village and Manningtree station.

Economic Development

- This major investment brings a wonderful opportunity to support and grow the Regional, Suffolk and Babergh economy. The new franchise and facilities will open up new opportunities for improved train services and time travel reductions between Norwich and London thereby strengthening the region position as an economic and tourism destination with its easier access and state of the art trains.
- The investment for Brantham itself will be the catalyst for the regeneration of the mixed use development site which has been predominately redundant for decades, securement of the Abellio franchise here provides the potential to draw in newer businesses and stimulate others operating in the area either through supply chain or services, thereby increasing investment and local spend supporting our more local economy.
- The positive job creation of 35 and 40 full time jobs providing local employment opportunities across a range of skills including highly skilled positions is welcomed.

- Training provision and creation of technician apprenticeships for locals and school leavers leading to permanent jobs will build on young adult's qualifications in Babergh providing higher future aspirations and higher wages to Babergh.
- Accordingly the Corporate Manager, Economic Development fully supports the proposal.

Environmental Health - Sustainability Issues

Concerns that the BREEAM pre-assessment is achieving 71 points, requests for information regarding the amount of lighting proposed, the position of the solar panels and the heating and the lighting of the workshop space. Conditions requested.

Environmental Health - Land Contamination Issues

The recommendation is based on the agreement that the documentation submitted by the St Francis Group for the hybrid application is brought forward for the full application. It is confirmed that there are no concerns regarding human health at the site but would recommend that the condition that the Environment Agency agreed for the hybrid application is included with any permission for the this area of the site so that a condition for the area covered by the Abellio application can be discharged separately the remainder of the site. It is recommend that this approach is agreed with the Environment Agency and any future discharge of conditions will be at the discretion of the Environment Agency.

Environmental Health - Other Issues

Lighting

The application is accompanied by the document 'External lighting report for the Manningtree Depot', produced by SWP Ltd consulting engineers. The assessment states that lighting has been designed to meet with ILP guidelines for an E2 area, that all post top luminaires shall have full horizontal cut-off (to prevent light spill into the sky), and that all lighting other than lighting needed for security and safety will be turned off between 23.00 – 07.00hrs. The drawing shows a 0 lux line at 70m north of the site which should not intrude into residential dwellings, which are at a further distance.

Section 8.2 of the EMP also confirms that temporary lighting during the construction phase will also adhere to the ILP guidelines.

It is suggested that adherence to these two documents should be required by means of condition.

Noise and Vibration

Section 9 of the EMP is concerned with noise and vibration management. Reference is made to the baseline noise assessment made within the Environmental Statement which was submitted as part of the wider area application (B/15/00263.FUL). The EMP identifies monitoring position 3 as being 'the most useful baseline in assessing construction impact to nearby residential receptors' (the nearest being those existing dwellings located on Factory Lane, as I understand that Britannia House is no longer to be developed into residential). I would agree that this monitoring point is the most relevant, although I do have concerns about the robustness of the data, as this was a 'snapshot' measurement consisting of 30 mins data taken during the daytime only. I would strongly advise that some further baseline measurement should be taken at this position as part of the ongoing noise assessment, to include night time readings, as I understand that a s.61 Prior consent application is likely to be submitted to allow some night time working.

Section 9.1 of the EMP sets out that it is unlikely that construction noise will exceed 75dB at the nearest residential receptor on Factory Lane, or at the nearest commercial receptor.

I would recommend that adherence to the EMP (or any approved revision thereof) should be required by means of condition. I would also suggest that a condition be attached to any permission to the effect that no burning shall take place on the site of the development.

I understand from section. 9.2 of the EMP that a detailed construction noise assessment is in production, in compliance with BS 5228:2009 Code of Practice for Noise and Vibration Control on Construction on Open sites Parts 1 & 2. I would advise that the submission of this document, and its approval by the LPA prior to works beginning, should be attached by means of specific condition.

As you will be aware, condition 11 of the wider planning consent (B/15/000263/FUL) for the Brantham site states that a noise assessment shall be carried out in respect of each commercial unit in accordance with BS:4142 'methods for rating and assessing industrial and commercial sound', and that a background noise survey shall be carried out to determine current background/ambient levels prior to any reserved matters development commencing – as outlined above, I would suggest that further monitoring is undertaken in respect of position 3. The Taylor Woodrow document 'Noise Assessment Plan. Project Brantham Depot – Brantham' states that the Design Management Plan will detail the approach for the minimisation of operational noise related to fixed plant and machinery, rail and traffic noise. It is stated that this will include compliance to BS:4142 assessment findings and design evidence of such being submitted to the Local Authority prior to installation, and an assessment for rail noise. This is also outlined in section 3.2.2 of the EMP. I understand this document is still in the process of being prepared and I would suggest that this is needed prior to determination.

Construction Management Plan

- The Taylor Woodrow document 'Abellio Greater Anglia Franchise Train Depots Enhancement Manningtree Depot: Construction Phase Plan (draft)' has been submitted with the application. This document is mainly concerned with health and safety impacts on site and not impacts on the wider area during the construction phase. I would therefore strongly recommend that a condition be attached to any permission to the effect that no development shall commence until a construction management plan has been submitted to and approved in writing by the Local Planning Authority.
- Recommend a condition regarding no burning to take place on the site

Place Services (providing advice to BDC) Ecology

- The range of potential impacts on the Stour and Orwell Estuaries SPA/Ramsar and various mitigation measures have been considered and assessed. A package of embedded mitigation measures to make this development acceptable in planning terms which includes appropriate fencing to screen the estuary birds from visual disturbance, a lighting strategy to avoid light spillage onto the estuary and minimisation of sudden noises and timing of works.
- Implementation of the package of mitigation measures in full is aimed at avoiding an adverse impact on site integrity of the Stour and Orwell Estuaries SPA/Ramsar. There is a potential for residual impacts from visual and light disturbance as the timing of works to connect to the main rail line is uncertain, so this AA has adopted a worst case scenario approach. Programming updates will be required to enable to applicant's ecologist to advise on mitigation when this work will take place including consideration of any cold weather warning in place at that time.

- It is concluded that, provided the mitigation proposals are implemented in their entirety, this project will have no adverse impact on site integrity of the Stour and Orwell Estuaries SPA and Ramsar site, either alone or in combination.

Place Services (providing advice to BDC) Landscape

- Even though the proposed depot is within an existing industrial development with little existing soft landscaping. It would be recommended that levels of vegetation and planting could be increased, specifically looking at the surrounding landscape character and introducing elements of this on to the development site i.e. staff and visitor's car park. (This should be evidenced through the agreed photomontage illustrations.)
- In relation to the point above, a landscape maintenance plan and specification will then need to be submitted as part of a planning condition, if the application is approved. We recommend a landscape maintenance plan for the minimum of 3 years, to support plant establishment.

Haven Gateway, 8/9 St Peters Court

- No comments received

Heritage Team

- The D&AS supplied with the application does not meet the requirements of para.128 of the NPPF inasmuch as it does not 'describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary'. The Statement simply says at 2.6 that the 'War Memorial is also located to the north of the site'. In its conclusion, it states that 'This design and access statement has demonstrated that the application proposal has been well considered and has taken into account the varied requirements from both a design and planning policy perspective'.
- Nevertheless, the development will have a fundamental impact upon the setting of the memorial, but given the industrial provenance of this particular memorial and the amplification of the nature of this part of the village through the development of the depot, the impact will be at the very lowest end of the spectrum on the 'less than substantial' scale, in terms of the NPPF - and as such must be weighed against the public benefits afforded.
- Decision-takers should also be mindful of the specific legal duties of the local planning authority with respect to the special regard to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses, as set out in section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Natural England

- Based on the information provided in support of the application, Natural England's view is that there is currently insufficient information to allow likely significant effects to the Stour and Orwell Estuaries Special Protection Area (SPA) and Ramsar site¹ to be ruled out. We also consider that there is insufficient information to rule out adverse effects the Stour Estuary Site of Special Scientific Interest (SSSI). Further information has been received and Natural England have been re-consulted and a verbal update will be provided at the meeting.

Network Rail (all development within 10m of track)

- No objection. Offer a number of suggestions regarding development within the proximity of the railway.

Rights of Way Officer – SCC

- No objection
- Public Footpath 13 Brantham is recorded along the southern boundary of the site, despite the supporting information indicating there are no recorded PROW affected by the development.
- In addition, the easternmost part of the site also appears to be affected by a flawed order from the early 1970's, although the majority of this original route is recorded through the northern part of the industrial site. The Definitive Map and Statement for the old rural district of Samford (which included the parish of Brantham) was consolidated at the end of 2012. During the preparation process a 1971 diversion order was reviewed and found to have a technical error because the order was made using incorrect legislation. This technical error means that Suffolk County Council (SCC) considers the order to be defective and therefore, that it did not achieve its intended effect. Therefore, in law the legal alignment of the route must remain recorded across the industrial estate, as it was before the order.
- To further complicate matters a second order was made in 1991 which intended to reclassify Restricted Byway 14 to Bridleway 14. However because in 1991 it was assumed that the 1971 diversion order had taken effect, the reclassification order showed the restricted byway on the post diversion track alignment rather than across the industrial estate. In light of the recent conclusion that the 1971 diversion order did not result in the route actually being diverted, the County Council has concluded that the reclassification order must also be considered legally defective.
- To summarise, the combined consequences of the two defective orders are that the public right of way must be recorded across the industrial estate and must also be recorded with the status of a restricted byway (RB).
- Suffolk County Council intends to resolve this situation by making two new orders, one to extinguish RB 14 and the other to create a bridleway along the route currently used by the public. If confirmed, the orders offer the most effective means of resolving this unusual legal situation and would achieve the same legal effects as were intended by both of the defective orders. Moreover, the orders would ensure the public are left with exactly the same rights that they believe currently exist. The proposed orders will not have any effect on any private rights that exist.
- In respect of FP13, the county council seeks a planning condition that provides for the retention of FP13 on its legally recorded alignment, as a 3 metre wide corridor. In addition, SCC requires it to be improved with an appropriate sealed surface.

RSPB

- No comments received

The Archaeological Service

- No comments received

Suffolk County Council Flood & Water Team (inc Drainage)

- Following the submission of further information a recommendation for approval is made and three conditions are suggested.

Suffolk County Council Section 106

- No comments received

Suffolk Coasts & Heaths Project

- See comments above from Dedham Vale and Stour Valley Project

Suffolk Wildlife Trust

- The ecological assessment report includes measures to mitigate these impacts, but a number of these are not shown within the design of the development. In order to avoid likely significant effects on the SPA and Ramsar site (and SSSI) it is essential that these mitigation measures are incorporated into the design of the development prior to the determination of this application.
- The ecological assessment report identifies that further surveys are required for reptiles and ground nesting birds (specifically little ringed plover) in order to inform the likely impacts of the proposed development on these groups. These surveys and assessment must be undertaken prior to the determination of this application in order to ensure that the decision is made based on all relevant material considerations and in accordance with the requirements of ODPM Circular 06/2005. All necessary mitigation measures must be secured as part of the development, should consent be granted.
- The ecological assessment report also makes reference to the use of a landscaping scheme to provide additional ecological mitigation and enhancement; however such a scheme does not appear to be included with this application. A landscaping scheme, which maximises the opportunity for ecological enhancement, should form part of the design of the proposed development.
- It is noted that the ecological assessment report includes potential enhancement measures, including the installation of integrated bird nesting opportunities within the building. However, these do not appear to be included on the elevation drawings for the building. We recommend that these are added to ensure that they are incorporated into the final building.
- Notwithstanding the above, we request that the recommendations made within the report are implemented in full, via a condition of planning consent, should permission be granted.

Tendring District Council

- No comments to make, apart from ensuring that the LPA is aware of the sensitivity of the site in terms of proximity to the SPA, SSSI and Ramsar site.

Arboricultural Officer - David Pizzey

- There are no arboricultural implications relating to this proposal.

Waste Strategy Team

- No comments received

Representations

8. Summary of representations

Three representations received making the following comments:

- Concerns about the width of the Factory lane and the increase in construction traffic.
- Concerns over the lack of provision for pedestrians along Factory Lane

- Current footpath of poorly maintained
- The applicant should be made to increase the width and strength of the road
- Concerns about pedestrian safety and suggest the use of gates to stop them spilling out into the road
- Concerns about disturbance from noise, pollution and construction working hours, the St Francis group are already on site and exceed the hours of 8am to 6pm.
- This is not the type of development that was expected for the brownfield site.
- The St Francis Group will benefit hugely from this application.
- Concerns about access for existing business Step on Safety Ltd
- Impact on the business operations for Step on Safety Ltd
- Concerns about drainage and additional waste being on the site
- Impact on local economy and community infrastructure without the use of a s106 to secure local employment
- Concerns about the risk that existing contaminants on the ground would have on the local ecology

Representation received from the Suffolk Preservation Society making the following comments:

- Welcomes the reuse of the brownfield site and any associated economic growth and local employment that will be generated
- Concerns about the impact on the ANOB, River Stour and the Manningtree and Mistley Conservation Area
- Concerns about the colour of the building and the impact this would have and this should be reconsidered

The Site and Surroundings

9. The application site is located within an area of land known as the Brantham Regeneration Area. The southern perimeter of the application site is defined by the Colchester to Ipswich railway line that crosses the head of the estuary at Cattawade and runs to the south of the application site on a 5 metre high embankment that contains a few trees and an understorey of scrub planting running along the north side. High voltage overhead electricity cables follow the northern side of the railway.
10. The western boundary, running alongside Cattawade Creek, is retained by a 3-4 metre high flood protection bund that has a band of scrub vegetation growing adjacent to it. Most of the industrial area is devoid of vegetation, consisting of cleared ground, with the odd disused buildings left in extensive areas of hard surfacing, containing mostly tarmac and concrete.
11. Vehicular access to the site is from Factory Lane to the north. Beyond Factory Lane to the north is the residential built-up area of Brantham village. The northern and eastern boundaries of the application site front onto the former industrial site, which comprises areas of hardstanding as well as various commercial buildings, some vacant and others in use.
12. The site lies within the setting of the Dedham Vale Area of Outstanding Natural Beauty (AONB) and the Suffolk Coast & Heaths AONB. The site is adjacent to the Stour Estuary Site of Special Scientific Interest (SSSI) and the Stour and Orwell Estuaries Special Protection Area. The whole site is located in flood zone 3. A listed War Memorial is also located nearby to the north of the site.

The Proposal

13. The application proposes the redevelopment of part of the former Brantham industrial estate to provide a light maintenance train depot. The depot is for Abellio East Anglia to enable the stabling and light maintenance of its new fleet of trains to serve the East Anglia area.
14. The new fleet of trains will operate throughout the East Anglia network. The Brantham site is a key depot to commission new trains into service then ensuring the regular daily maintenance to maintain an efficient and safe train service in the future.
15. The depot is to be utilised as a light maintenance rail depot and stabling point for both Stadler and Bombardier trains. The new depot will accommodate a range of facilities, which will principally enable inspecting, repairing, cleaning, maintaining, refuelling, re-watering and replenishing of consumables.

The depot will comprise of:

- Reception/departure roads, part on a gradient to be constructed, allowing connection to the Great Eastern Main Line;
 - 13 no. stabling roads/sidings (totalling approx. 8km of track) with CET (controlled emission toilet) points;
 - Maintenance building (approx. 4507 sqm) incorporating:
 - Wheel lathe;
 - Bogie drop facility designed for all vehicle types;
 - Staff areas including mess room, locker rooms and offices; and
 - Storage areas.
 - Carriage washing machine placed on the Inlet Road;
 - Bogie wash bio facility;
 - Internal access roads and yards; and
 - Car parking.
16. Another key component of the proposal is the connection between the site and the main line. The connection to the main line will take place in the south-western corner of the site, with the sidings been built up on a gradient in order to engage correctly with the existing track set up on the embankment.

NATIONAL PLANNING POLICY FRAMEWORK

17. The **National Planning Policy Framework** (NPPF) contains the Government's planning policies for England and sets out how these are expected to be applied. Planning law continues to require that applications for planning permission are determined in accordance with the Development Plan unless material considerations indicate otherwise. The policies contained within the NPPF are a material consideration and should be taken into account for decision-making purposes.
18. Paragraph 14 states that at the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking.

Paragraph 17 outlines the 12 core land use planning principals which include:

- encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value;

- promote mixed use developments, and encourage multiple benefits from the use of land in urban and rural areas, recognising that some open land can perform many functions (such as for wildlife, recreation, flood risk mitigation, carbon storage, or food production);
 - proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs. Every effort should be made objectively to identify and then meet the housing, business and other development needs of an area, and respond positively to wider opportunities for growth.
 - conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations; contribute to conserving and enhancing the natural environment and reducing pollution.
19. Paragraph 19 states that The Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system.
20. Paragraph 109 states that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests and soils; recognising the wider benefits of ecosystem services; minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.
21. Paragraph 115 indicates that great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty. The conservation of wildlife and cultural heritage are important considerations in all these areas.
22. Paragraph 116 indicates that planning permission should be refused for major developments in these designated areas except in exceptional circumstances and where it can be demonstrated they are in the public interest. Consideration of such applications should include an assessment of:
- the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy
 - the cost of, and scope for, developing elsewhere outside the designated area, or meeting the need for it in some other way
 - any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated
23. Direction from the National Planning Policy Guidance has been taken in the determination of this application.

Core Strategy

24. The Babergh Local Plan – Core Strategy and Policies (2014) was adopted on 25 February 2014 and forms part of the development plan. The following policies are relevant to this particular planning application:-

- CS1 - Applying the Presumption in favour of sustainable development in Babergh
- CS2 - Settlement Pattern Policy
- CS3 - Strategy for Growth and Development
- CS10 - Brantham Regeneration Area
- CS12 - Sustainable Design and Construction Standards
- CS14 - Green Infrastructure
- CS15 - Implementing Sustainable Development in Babergh
- CS21 - Infrastructure Provision

Saved Policies in the Local Plan

25. The Development Plan also comprises the saved policies in the Babergh Local Plan (Alteration No. 2) adopted 2006. The Plan should be regarded as material consideration in planning decisions. The following policies remain applicable to the proposal:

- EM06 – Land at Brantham Industrial Estate
- CR02 – AONB Landscape
- CN01 – Design Standards
- CN03 – Open Space within Settlements
- CN06 – Listed Buildings

Main Considerations

26. From an assessment of relevant planning policy and guidance, representations received, the planning designations and other material issues the main planning considerations considered relevant to this case are set out including the reason/s for the decision, any alternative options considered and rejected. Where a decision is taken under a specific express authorisation, the names of any Member of the Council or local government body who has declared a conflict of interest are recorded. The following are identified as the main considerations in assessing this application:

- The Principle of Development - Policy Context
- Economic Development
- Biodiversity And Protected Species
- Access, parking and highway safety considerations
- Drainage and Flooding
- Environmental Impacts – Land Contamination
- Impact on Residential Amenity (Noise)
- Design and layout
- Impact on landscape character and AONB issues
- Sustainability
- Heritage Issues (Impact on the setting of Listed War Memorial)

The Principle Of Development- Policy Context

27. From an assessment of relevant planning policy and guidance, representations received, the planning designations and other material issues the main planning considerations considered relevant to this case are set out including the reason for the decision, any alternative options considered and rejected.
28. The National Planning Policy Framework (NPPF) was published on 27th March 2012. It provides that the NPPF "does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise".
29. The NPPF also provides (para 187) that "Local planning authorities should look for solutions rather than problems, and decision-takers at every level should seek to approve applications for sustainable development where possible. Local planning authorities should work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area."

Policies CS10, CS3 (Core Strategy) and EM06 (Local Plan)

30. Policy EM06 states that land at Brantham Industrial Area has been identified as a special policy area where the retention of current and future employment uses are to be prioritised and the redevelopment of obsolete buildings and land achieves a balance form of mixed use development.
31. Babergh Core Strategy Policy CS10 (Brantham Regeneration Area Allocation) makes provision for the regeneration of the application site. Both Local Plan policy EM06 and Core Strategy policy CS10 remain in place, however CS10 is the most up to date policy and therefore considered the most directly applicable to the assessment of this application in accordance with the advice contained in the NPPF, Annex 1 (para 215).
32. Policy CS10 sets the context for the use of the wider site as a regeneration and special policy area where the retention of current and future employment uses is to be prioritised and the redevelopment of obsolete and underused land achieves a form of mixed use sustainable development.
33. The aim of development on the site, as set out in policy CS10, is for the comprehensive regeneration of the site to:
 - *...ensure the enhancement and balanced regeneration of the site;*
 - *Provide for the maximum possible retention and enhancement of local employment opportunities*
 - *Deliver an appropriate level of residential development and community facilities*
 - *Create new areas of public open space and enhancement of pedestrian and cycle links between the site and the village.*
34. Policy CS3 indicates that employment and housing growth will be accommodated with Babergh's existing settlement pattern. It states that in order to support and encourage economic growth and employment opportunities and to ensure that a continuous range and diversity of sites and premises are available across the district and that they will be reviewed regularly. One of these sites is the sub-regional and locally strategic site at Brantham.

35. The planning application (B/15/00263) for the redevelopment of the Brantham Regeneration Area was granted in November 2016. This application was supported by a strategic masterplan which identified the area of the application proposed for the light maintenance depot for employment uses, consistent with the proposal.
36. The principle of the proposed employment use has therefore been established initially by the Core Strategy Policy CS10 and subsequently with the granting of planning permission B/15/00263.
37. For the area on the strategic site which contains the land on which the application is proposed Core Strategy Policy CS10 sets out:

The land to the north of the railway line being the former Wardle Storey and ICI works site, forms the priority area for redevelopment, where new and retained employment land uses should predominate in principle.
38. Taken as a whole the principle of the proposed rail maintenance depot on the land north of the railway line is in accordance with the NPPF and consistent with Core Strategy Policies CS3 and CS10 and saved policy EM06.

Economic Development

39. Policy CS3 identifies the important strategic site at Brantham as a site to accommodate the strategic and well located sites for port related and other businesses. The proposed use is considered to be at a strategic location on the transport network, the operation of which is essential for the wider economy including supporting port related and other businesses in accordance with policy CS3.
40. The policy goes on to state that sufficient land will be allocated and existing sites and premises protected from other types of development to accommodate a range of employment development to provide for approximately 9,700 new jobs in Babergh by 2031, and that this includes strategic sites.
41. There are limited instances for the siting of the depot along the main line and the proposal is a welcomed opportunity to develop an area of brownfield land. The proposal has regional significance, as the depot will open up new opportunities for improved train services and time travel reductions between Norwich and London thereby strengthening the region's position as an economic and tourism destination with easier access and state of the art trains. The improvement of the train service would actively support the promotion of sustainable travel in the region.
42. The investment for Brantham itself will be the catalyst for the regeneration of the mixed use development site which has been predominately redundant for decades, securing of the Abellio franchise here provides the potential to draw in newer businesses and stimulate others operating in the area either through supply chain or services, thereby increasing investment and local spend supporting our more local economy. It is envisaged that the proposal would create up to 35 full time jobs and up to 40 part time jobs, which is welcomed and the proposal is consistent with the requirements of Policy CS3. Significant weight can be attached to the need to support economic growth in line with paragraph 19 NPPF.

43. The proposal includes the connection of the site to the main line and this will enable the Greater Anglia trains to enter and leave the depot by planned and controlled signalling movements. There are time constraints regarding when this work can be completed as the main line has to be shut. The main line is scheduled to be shut over the upcoming Easter period 2018 and to ensure that these connection works can be carried out initial construction works need to start on the site in August 2017.

Biodiversity and Protected Species

44. Policy CS15 states that Proposals for development must ensure adequate protection, enhancement, compensation and / or mitigation, as appropriate are given to distinctive local features which characterise the landscape and heritage assets of Babergh's built and natural environment within designated sites covered by statutory legislation, such as AONBs, Conservation Areas, etc. and local designations such as Special Landscape Areas and County Wildlife Sites, and also local features and habitats that fall outside these identified areas.
45. In particular proposals should protect and where possible enhance the landscape and heritage areas including habitats and features of landscape, historic, architectural, archaeological, biological, hydrological and geological interest. Adaptation or mitigation will be required if evidence indicates there will be damaging impacts if a proposal is otherwise acceptable and granted planning permission.
46. With regard to the SPAs, SACs and Ramsar sites any development that would have an adverse effect on the integrity of a European site including candidate /proposed sites either alone or in combination with other plans or projects will be refused.
47. This development proposal has the potential to affect the Stour and Orwell Estuaries SPA and Ramsar site which are European sites (also commonly referred to as Natura 2000 or N2K sites) afforded protection under the Conservation of Habitats and Species Regulations 2010, as amended (the 'Habitats Regulations'). The proposed works also have the potential to affect the Stour Estuary SSSI which is notified at a national level.
48. A number of surveys regarding the presence of reptiles and breeding birds together with an assessment of impacts has been undertaken by the applicant.
49. The wider Brantham Industrial site comprises primarily hardstandings resulting from demolition of old industrial buildings, with some amenity grassland, buildings which remain to be demolished, and areas of scrub and woodland. Collectively the habitats within the proposed development site are assessed as being of value at up to the Parish level.
50. The site is adjacent to Stour and Orwell Estuaries Ramsar / SPA and Stour Estuary SSSI, of international importance especially for wintering birds which use the estuary mudflats. Common species of reptile were found on the proposed development site. No rare birds such as Little Ringed Plover were found during the survey, with only common species present.
51. In the absence of mitigation, the proposed development would give rise to loss of habitat for common reptiles, with the potential for killing or injuring reptiles during the construction period. If construction were to take place during the bird nesting season, there is a possibility that the offence of destroying a bird's nest whilst it is in use might be committed.
52. Mitigation has been proposed, including relocation of reptiles prior to construction, and avoidance of the bird nesting season for vegetation clearance. This mitigation would reduce the impacts of the development proposals upon the species present, to give rise to an overall neutral impact.

53. A number of ecological enhancements which would also improve the quality of the site for reptiles and breeding birds include the provision of railway sidings (which can be used by reptiles), further woodland planting and installation of bird boxes within the maintenance shed building. Delivery of these enhancements would lead to an overall minor beneficial impact upon ecology and it is proposed that they are secured by condition.
54. The above regulations require the LPA to produce a Habitats Regulations Assessment (HRA), which has been submitted to Natural England for their consideration. Should their comments be available by the time of the committee, they will be reported verbally. The applicant is confident that the HRA will be acceptable to Natural England and that this matter can be resolved to the satisfaction of the Local Planning Authority, and Natural England. It is anticipated that the development will be able to demonstrate compliance with the requirements of both policy CS15 and the Habitats Regulations, and that subject to the HRA being agreed by Natural England a resolution to grant planning permission can be made. A verbal update will be given at the meeting.

Access, Parking And Highway Safety Considerations

55. Policy CS15 requires all new development to ensure that the appropriate level of services, facilities and infrastructure are available or provided to serve a proposed development. Development should seek to minimise the need to travel by car using the following hierarchy: walking, cycling, public transport, commercial vehicles and cars) thus improving air quality; and where appropriate to the scale of the proposal, provide a transport assessment /Travel Plan showing how car based travel to and from the site can be minimised, and proposals for the provision of infrastructure and opportunities for electric, plug-in hybrid vehicles, and car sharing schemes.
56. The site will have an access from Factory Lane constructed as part of the Industrial Estate redevelopment. The access point will be gated and controlled in line with Rail Industry Standards. The access gate will be set back to ensure that any waiting vehicles do not cause an obstruction to other local businesses. The access will accommodate all vehicles, cycles and pedestrians, including large vehicles.
57. The site will be provided with a dedicated 25 space cycle park and 75 car parking spaces. The Suffolk County Council Guidance for B2 use suggests that 1 space per 30m² is the maximum parking provisions with a minimum of 2 blue badge bays. Suffolk County Council Guidance for cycle stands is 1 stand per 300m². The provision of vehicle and cycle parking facilities has been developed with a number of employers and their planned activities and therefore the parking provision is in line with the operator's requirements, and in accordance with the County's guidance.
58. The Rail Depot will be a 24-hour 7-day operation. The main activities carried out at the site are by their nature carried out overnight in the main. The train servicing and hence the peak occupation of the site will take place between 23:00 and 05:00. The site will also be a hub for train drivers who will generally commence early in the day and at other shift changeover times throughout the day.
59. It is anticipated that there will be 40 full time and 35 part time maintenance roles and around 20 drivers based at the depot. There will also be occasional visits from other staff to carry out specialist operations. In total it is unlikely that daily traffic movements will exceed 200 trips per day. In the main, for the reasons set out above, the bulk of these will take place outside the highway peak hours and hence there will be very little traffic impact.

60. A request has been made by ECC Highways for an improved pedestrian/cycle connection between Brantham village and Manningtree station. The Section 106 obligation for permission B/15/00263/OUT requires the resurfacing of footpath 12 and that permission secures the improvement work appropriately.
61. The Highway Authority have confirmed that they have no objection in principle to the development however ongoing discussions with regard to the need for infrastructure improvements not connected to the previous hybrid application are yet to be concluded at the time of writing. A verbal update will be given.
62. The requirement for Travel Planning is set out within Policy CS15 (xix). A draft Travel Plan has been submitted and the applicant has requested that this matter be managed by planning condition. At the time of writing draft conditions to manage work place travel planning are under negotiation. A verbal update will be given.

Drainage and Flooding

63. The application site lies within flood zone 3. The proposal would be classified as a 'less vulnerable' development, as defined in Table 2: Flood Risk Vulnerability Classification of the Planning Practice Guidance. Therefore, to comply with national policy the application is required to pass the Sequential Test and be supported by a site specific Flood Risk Assessment (FRA).
64. The requirement to apply the Sequential Test is set out in Paragraph 101 of the National Planning Policy Framework. This test is responsibility of the LPA and should be completed before the application is determined. Nevertheless paragraph 104 from the NPPF states that:

For individual developments on sites allocated in development plans through the Sequential Test, applicants need not apply the Sequential Test.
65. The site was assessed for flood risk during the examination process for the Core Strategy and a site specific flood risk assessment for mixed use development for the Brantham Industrial Estate site was carried out by Richard Jackson in March 2012. Bearing in mind the allocation and the planning history it is considered that the site is sequential suited for the development proposed.
66. Following the submission of a revised flood risk assessment and additional drainage information no objection has been raised by the Environment Agency and SCC Flood and Water team. A number of conditions are suggested.

Environmental Impacts – Land Contamination

67. Whilst detailed survey information was provided with the application as initially submitted, both the Environment Agency and the Council's Contaminated Land Officer identified some issues around the relationship of the mitigation works approved under condition 35 of application B/15/00263/OUT and the application site. It has been agreed that the documents already approved under condition 35 will be shared by the St Francis Group and that a suitably worded condition can be imposed requiring the submission of a verification report regarding of the remediation works required for this particular phase of the site.

Impact on Residential Amenity (Noise)

68. The noise assessment to support the application has been the subject of detailed and ongoing dialogue with the applicant to ensure that the appropriate construction and operational noise issues are reported upon in an appropriate way. At the time of writing your Senior Environmental Protection Officer is unable to recommend approval pending the receipt of further information concerning background noise assessment, noise from train movements and noise levels at closest part of residential development. These gaps have been raised with the applicant for resolution and for some other matters conditions have been recommended. A verbal update will be given.

Design and Layout

69. The nature of a use such as this requires a line side location with level access to the rail network. The opportunities to establish such a facility on the network are inevitably somewhat limited and the layout of the site in turn is guided by its essential functions. The depot site area is nominally 9 hectares, the majority of which will be developed to provide sidings and track connections with ballasted track, and safe walking routes in bound surfacing materials. The maintenance building is the main structure on site and has been positioned on the north of the site to provide maximum flexibility for the operation of the depot. This means that the building is adjacent to the proposed future commercial development to the north subject of the outlined permission.

The proposed main depot building and ancillary buildings have a utilitarian appearance and this is consistent with the historical employment use of the site. In these circumstances the structures and open siding uses with constantly changing train activity would sit comfortably within the context of the existing industrial character and within the wider Brantham Regeneration Area.

Impact on Landscape Character and ANOB issues

70. The proposed development site is considered to be within the setting of the Dedham Vale Area of Outstanding Natural Beauty (AONB) and the Suffolk Coast & Heaths AONB. The proposal should seek to accord with national and local policies, pay due regard (ref. S. 85 of the Countryside and Rights of Way Act, 2000) to the statutory purpose of the AONB: to conserve and enhance the area's natural beauty and positively contribute to the purposes of the AONB designation.
71. Whilst paragraph 116 of the NPPF indicates that planning permission should be refused for major development in a designated area, it should be noted that the application site does not sit within such a designated area. This paragraph must therefore be weighed relative to the fact that it is a site outside the AONB but adjacent to it. The site has been chosen by the applicant because of its strategic position and nature along the mainline, where there are limited opportunities to develop. It is considered that significant weight should also be attributed to the public benefits of the proposal in evaluating this aspect.
72. Concerns have been raised by the AONB unit that the information submitted with the application does not fully demonstrate the impact of the proposal within the setting of the two AONBs. Additional information is to be submitted by the applicant to the LPA prior to the committee meeting and a verbal update will be given.

Sustainability

73. Policy CS12 states that all new non-residential developments will be expected to achieve, as a minimum, the BREEAM "Excellent" standard or equivalent. A BREEAM pre-assessment has been submitted to the Council for their consideration and it indicates that an 'Excellent' rating will be achieved. To ensure that this standard is achieved a suitably worded condition will be imposed.

Heritage Issues (Impact on the setting of Listed War Memorial)

74. In accordance with Section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 local planning authorities must pay special regard to the desirability of preserving or enhancing the character or appearance of a conservation area when considering planning applications. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that 'in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority.....shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses'.
75. The Government's planning policies for Conserving and enhancing the historic environment are contained within Paragraphs 126 to 141 of the National Planning Policy Framework (NPPF). The NPPF defines the setting of a heritage asset as,
- "The surroundings in which the heritage asset is experienced - Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance, or may be neutral"*
76. In order to assist local authorities and other parties concerned with the implementation of historic environment policy and the assessment of setting issues Historic England have produced good practice advice notes. Advice Note 3 - The Setting of Heritage Assets (2015) sets out a staged approach to assist decision-making. The relevant saved development plan policy is CN06.
77. A Listed War Memorial has been noted as a heritage asset in the locality of the site and which may be impacted by the development in its setting. The war memorial in Brantham Industrial Estate is an important reminder of nationally and internationally significant events and a good example of a relatively simple but architecturally distinct tribute to the fallen of two World Wars. It is unusual in that it remembers those who worked for a specific company rather than those who lived in a particular community as is often the case.
78. The advice of the Heritage team notes that there is less than substantial harm but that the impact is at the very lowest end of that spectrum. The NPPF, at paragraph 134, says that, where proposals lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. Decision-takers should now make this balancing assessment of harm against public benefits. Unless the public benefits of the scheme are considered to be substantial, they will not outweigh the harm to heritage interests. Decision-takers should also be mindful of the specific legal duties with regard to the settings of listed buildings set out in section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
79. Applying a planning balance to heritage matters the NPPF (para 14, footnote 9 and paragraph 134) and the statutory duty imposed by section 66(1) of the Listed Buildings Act are to be taken into account in the consideration of the application. In summary when an authority finds that a proposed development would harm the setting of a listed building or the character and appearance of a conservation area, it must give that harm considerable importance and that a finding of harm to the setting of a listed building or to a conservation area gives rise to a strong presumption against planning permission being granted.

80. The presumption in favour of sustainable development which is set out in Para 14 of the NPPF, does not apply as a result of the identified heritage impact. The NPPF (para. 134) sets out that ‘where a development proposal will lead to less than substantial harm to the significance of the designated heritage asset, this harm should be weighed against the public benefits of the proposal including securing optimal viable use.’
81. In considering the public benefits of this proposal it is noted that the development would provide a significant piece of rail infrastructure on the rail network, would secure the effective regeneration of a large area of brownfield land and would deliver a significant level of economic and employment benefits as described above. Mindful of the significant weight attached within the NPPF to promoting economic development, it is considered that the development would deliver significant public benefits which outweigh the less than substantial harm identified.

Planning Obligations

82. Given that it is expected to manage travel planning by way of condition it is not considered necessary to secure a s106 to that end. There are no other obligations appropriate in the circumstances of this case.

Details Of Financial Benefits / Implications (S155 Housing and Planning Act 2016)

83. Not applicable.

PART FOUR – CONCLUSION

Planning Balance

84. When taken as a whole and as a matter of planning judgement, the proposal is considered to be consistent with the development plan and NPPF. The proposal will bring forward the delivery of the Core Strategy allocation and achieve economic growth which attracts significant weight in the planning decision. Consideration has been given to potential adverse impacts concerning noise and amenity, heritage and safeguarding of the AONB. The potential impacts upon ecological interests have been carefully evaluated and it is not expected that there will be any risk of harm to protected species through the development. Taken in the round it is considered that the proposal delivers on Core Strategy expectations and is sustainable against which the golden thread in the NPPF indicates that there is a presumption in favour of the development. On this basis and subject to conditions it is recommended that planning permission is granted.

Statement Required By Article 35 Of The Town And Country Planning (Development Management Procedure) Order 2015.

85. When determining planning applications The Town and Country Planning (Development Management Procedure) (England) Order 2015 requires Local Planning Authorities to explain how, in dealing with the application they have worked with the applicant to resolve any problems or issues arising.
86. In this case numerous discussions were had with the applicant and their agents to resolve issues outlined within consultation responses.

RECOMMENDATION

That planning permission be granted subject to conditions including:-

- Time limit
- List of approved plans and documents
- Compliance with Environmental Management Plan
- Provision of fire hydrants
- Highway conditions
- Submission of verification report (contaminated land)
- Flood evacuation plan
- Flood proofing of the building
- Requirement to meet BREEAM Excellent
- Compliance with lighting report
- No burning on site
- Compliance with ecological mitigation report
- Safeguarding of footpath 13
- Drainage conditions
- Landscaping
- Materials TBA
- Levels
- Car parking and surface treatment
- Means of enclosure
- Shift pattern condition




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Application No: B/17/00441/FUL




Parish: Brantham



Location: Former Wardle Storeys Factory, Brantham

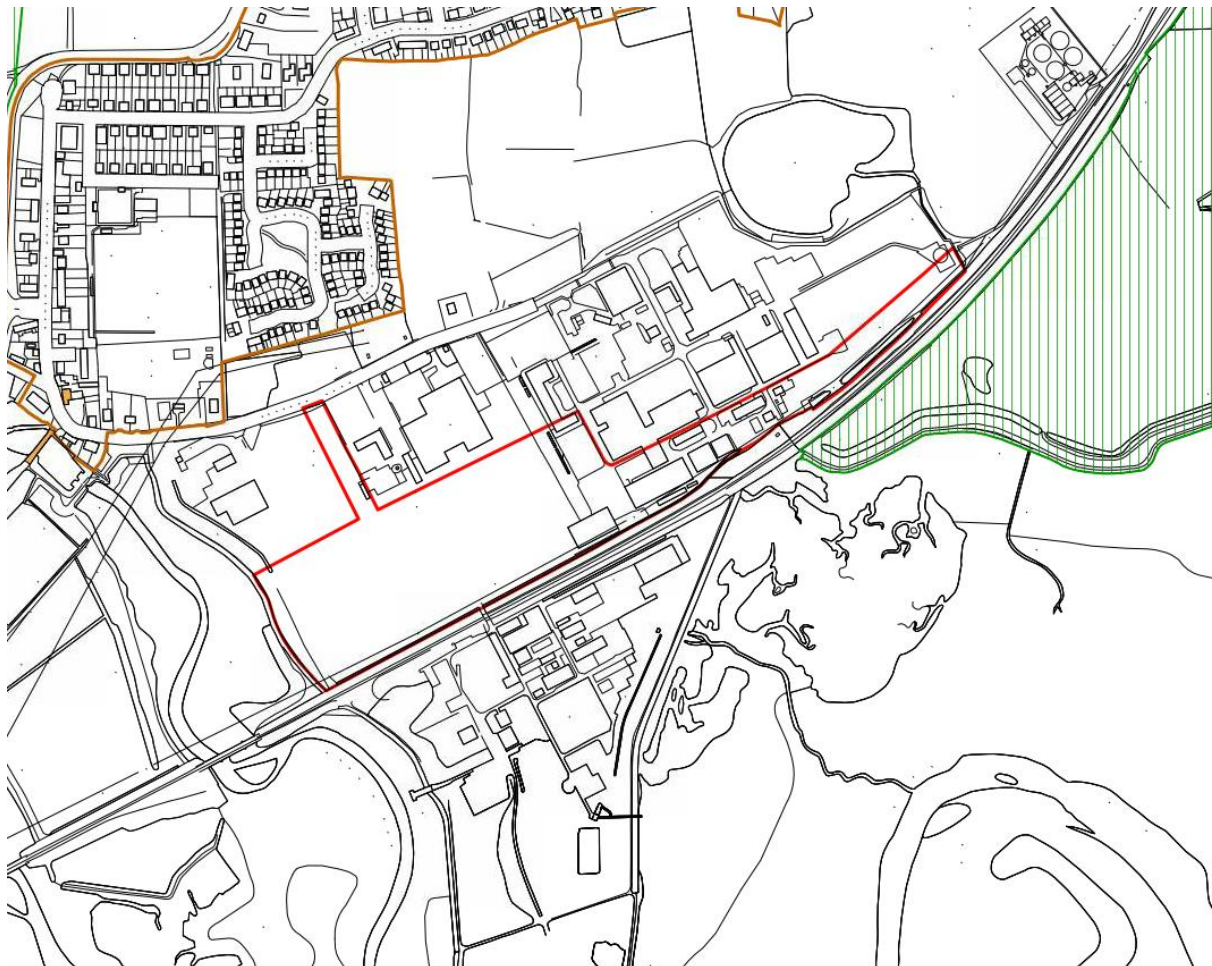
Legend

-  Area of Outstanding Natural Beauty
-  Special Landscape Area
-  Conservation Area

Listed Buildings

-  Grade 1
-  Grade 2
-  Grade 2 *

-  The Site
-  Built up Area Boundary



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Agenda Item 9b

Committee Report

Committee Date: 21 June 2017

Item No: 2

Reference: B/16/01670/FUL
Case Officer: James Platt

Description of Development: Erection of part two storey and part three storey building containing 15 no. residential flats (existing building facade to Station Road and Great Eastern Road retained with the remainder of the existing building to be demolished).

Location: Easterns, 31 Station Road, Sudbury, CO10 2SS
Parish: Sudbury

Ward: Sudbury South
Ward Member/s: Cllr Barrett & Cllr Holland

Site Area: 0.04 Hectares
Conservation Area: Sudbury Conservation Area
Listed Building: N/A

Received: 07/12/2016 14:01:26
Expiry Date: 21/07/2017

Application Type: Full Planning Permission
Development Type: Smallscale Major Dwellings
Environmental Impact Assessment: N/A

Applicant: Mr Pratt
Agent: Whymark and Moulton

DOCUMENTS SUBMITTED FOR CONSIDERATION

List of applications supporting documents and reports

Defined Red Line Plan:

The defined Red Line Plan for this application is Drawing Location Plan received 7th December 2016 only. This drawing is the red line plan that shall be referred to as the defined application site. Any other drawings approved or refused that may show any alternative red line plan separately or as part of any other submitted document have not been accepted on the basis of defining the application site.

Plans and Documents:

The application, plans and documents submitted by the Applicant can be viewed online.

Alternatively, a copy is available to view at the Mid Suffolk and Babergh District Council Offices.

SUMMARY

The application stands to be determined in accordance with paragraph 14 of the National Planning Policy Framework, with the presumption in favour of sustainable development, approving development unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

Officers recommend approval of the application, as the adverse impacts of the development do not significantly and demonstrably outweigh the benefits of the development.

PART ONE – REASON FOR REFERENCE TO COMMITTEE

The application is referred to committee for the following reason:

- This application is reported to committee as the application is Major Development comprising 15 or more dwellings.

PART TWO – APPLICATION BACKGROUND

This section details history, policies, advice provided, other legalisation and events that form the background in terms of both material considerations and procedural background.

History

1. B/06/01352/FUL - Installation of 3 No. windows – Granted

B/07/01028/FUL - Erection of 2 no. canopies to side elevation. – Refused

B/12/00377/FUL - Erection of railings and glazed screen to form an external smoking area. - Granted

B/15/01701/FUL - Erection of new part two storey and part three storey building containing 15 No. residential flats (existing building facade to Station Road and Great Eastern Road retained with the remainder of existing building to be demolished). - Withdrawn

Details of Previous Committee / Resolutions

2. None

Details of Member site visit

3. None

Details of any Pre Application Advice

4. The applicants sought pre-application advice from the Local Planning Authority following withdrawal of application B/15/01701/FUL. Officers advised primarily on matters of design, however discussions included the principle of development and parking provision.

PART THREE – ASSESSMENT OF APPLICATION

5. Consultations

Sudbury Town Council- Recommend approval, stating that the housing need outweighs the need for parking.

Suffolk County Council – Highways - No objection subject to a condition requiring the provision of manoeuvring and parking of vehicles prior to occupation.

Suffolk County Council – Archaeology – No comments received.

Suffolk County Council – Flood and Water Management Team – No comments received.

Suffolk County Council – Developer Contributions – A future bid to the District Council for CIL funds shall be made if planning permission is granted and implemented.

BMSDC – Strategic Housing – Confirm the off-site commuted sum financial contribution is acceptable in lieu of on-site affordable housing provision.

BMSDC – Heritage – No objection subject to conditions including details of fenestration, finishing of new openings in any brick faced elevation and samples of all new facing and roofing materials.

BMSDC - Environmental Health - Land Contamination – No objection.

BMSDC - Environmental Health – Sustainability Issues – Recommend refusal on the grounds of insufficient information.

BMSDC - Environmental Health – Other Issues – No objection subject to conditions including the restriction of construction hours, submission of a construction management plan, no burning during construction and a scheme for provisions to be made for the level of illumination and to control light pollution.

BMSDC – Waste Management – No comments received.

Anglian Water – No objection subject to a condition.

Historic England – No objection.

Sudbury Preservation Society – Provide the following comments;

- Question whether attempting to provide 15 not very attractive flats is a good solution. A marketing opinion should be sought.
- The “modern” design for the new facades is crude in the extreme, there seems to be no appreciation that a sympathetic modern solution would respect the existing façade much more convincingly.
- A shallower L-shaped plan might produce fewer but more attractive dwellings, would maintain the street line and provide a few more parking spaces behind.
- In more general terms a parking strategy for town centre development needs to reflect the need to preserve the town’s dense character and alternative solutions such as renting out public spaces during the day should be investigated.

Representations

6. A third party representation has been received, objecting to the proposal on the following grounds;
- Loss of privacy to neighbouring properties.
 - Loss of light to neighbouring properties.

The Site and Surroundings

7. The proposal site comprises Easterns, 31 Station Road, Sudbury. The property was last in use as a nightclub, however evidence provided indicates operations ceased in 2013. The site occupies a corner position between Great Eastern, Francis and Station Road, with existing residential properties to the west. The proposal site is located within the settlement boundary and Conservation Area of Sudbury.
8. The building is locally listed, forming part of the Sudbury Local List. Originally constructed as the Great Eastern Hotel around 1850, the building is subject to an attractive red brick elevation with gault brick detailing and a parapet roof, extending around the corner of Station and Great Eastern Road. Whilst the building has been subject to alteration, the elevation remains relatively unaltered.

The Proposal

9. This application seeks full planning permission for the erection of a part two and part three storey building containing 15 flats, following the demolition of the existing building. The existing façade to Station and Great Eastern Road is proposed to be retained and incorporated into the development.
10. The proposed units comprise 10 one bedroom and 5 two bedroom flats.
11. The application was subject to amendments and the submission of additional information, including the following;
- Parking Assessment
 - Amended Proposed Elevations and Floor Plans
 - Land Contamination Report

NATIONAL PLANNING POLICY FRAMEWORK

12. The National Planning Policy Framework (NPPF) contains the Government's

planning policies for England and sets out how these are expected to be applied. Planning law continues to require that applications for planning permission are determined in accordance with the Development Plan unless material considerations indicate otherwise. The policies contained within the NPPF are a material consideration and should be taken into account for decision-making purposes.

- Para 6: Achieving sustainable development
- Para 7: Three dimensions to sustainable development
- Para 11 – 15: The presumption in favour of sustainable development
- Para 17: Core planning principles
- Para 32 and 34: Transport movements
- Para 47: Delivering a wide choice of high quality homes
- Para 49: All housing proposals should be considered in the context of the presumption in favour of sustainable development.
- Paragraph 55: To promote sustainable development in rural areas.
- Para 56 & 60: Requiring good design
- Para 64: Development of poor design must not be supported.
- Para 69: Promoting healthy communities
- Para 100: Development and flood risk
- Para 103: Development and increasing flood risk elsewhere
- Para 109: Planning system should contribute to and enhance the natural and local environment.
- Para 112 & 117–119: Development affecting protected wildlife
- Para 123: Planning and noise.
- Para 186: Approaching decision taking in a positive way.
- Para 187: Local Planning Authorities should find solutions rather than problems in decision taking.

CORE STRATEGY

13. Summary of relevant policies Core Strategy 2014:

- Policy CS1: Presumption in Favour of Sustainable Development in Babergh
- Policy CS2: Settlement Pattern Policy
- Policy CS3: Strategy for Growth and Development
- Policy CS12: Sustainable Design and Construction Standards
- Policy CS13: Renewable/Low Carbon Energy
- Policy CS15: Sustainable Development in Babergh
- Policy CS16: Town, Village and Local Centres
- Policy CS18: Mix and Type of Dwellings
- Policy CS19: Affordable Homes
- Policy CS21: Infrastructure Provision

NEIGHBOURHOOD PLAN / SUPPLEMENTARY PLANNING DOCUMENTS / AREA ACTION PLAN

- #### 14. Suffolk Adopted Parking Standards (2015) Safeguarding Employment Land (2008) Affordable Housing (2014)

SAVED POLICIES IN THE LOCAL PLAN

Summary of saved policies in the Babergh Local Plan (Alteration No.2) adopted June 2006:

- Policy EM24: Retention of Existing Employment Sites
- Policy CN01: Design and Local Distinctiveness
- Policy CN08: Development in or Near Conservation Areas
- Policy TP15: Parking Standards

Officer's Assessment

15. From an assessment of relevant planning policy and guidance, representations received, the planning designations and other material issues the main planning considerations considered relevant to this case are set out including the reason/s for the decision, any alternative options considered and rejected. Where a decision is taken under a specific express authorisation, the names of any Member of the Council or local government body who has declared a conflict of interest are recorded.

Principle of Development

16. The National Planning Policy Framework (NPPF) requires Councils to identify and update, on an annual basis, a supply of specific deliverable sites sufficient to provide for five years worth of housing provision against identified requirements (paragraph 47). For sites to be considered deliverable they have to be available, suitable, achievable and viable.
17. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites (as stated in paragraph 49 of the NPPF). Where policies cannot be considered up-to-date, the NPPF (paragraph 14) cites the presumption in favour of sustainable development and states that planning permission should be granted unless i) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole; or ii) specific policies in the NPPF indicate development should be restricted.
18. The precise meaning of 'relevant policies for the supply of housing' has been the subject of much case law, with inconsistent results. However last month, the Supreme Court gave judgment in a case involving Suffolk Coastal District Council which has clarified the position. The Supreme Court overruled earlier decisions of the High Court and the Court of appeal in this and other cases, ruling that a "narrow" interpretation of this expression is correct; i.e.it means policies identifying the numbers and location of housing, rather than the "wider" definition which adds policies which have the indirect effect of inhibiting the supply of housing, for example, countryside protection policies. However, the Supreme Court made it clear that the argument over the meaning of this expression is not the real issue. The absence of a five year housing land supply triggers the application of paragraph 14 of the NPPF. In applying the 'tilted balance' required by this paragraph, the Council must decide what weight to attach to all of the relevant development plan policies, whether they are policies for the supply of housing or restrictive 'counterpart' policies such as countryside protection policies.

19. In accordance with National Planning Policy Guidance paragraph 030 (Reference ID: 3-030-20140306) the starting point for calculating the 5 year land supply should be the housing requirement figures in up-to-date adopted Local Plans. It goes on to state that *'...considerable weight should be given to the housing requirement figures in adopted Local Plans, which have successfully passed through the examination process, unless significant new evidence comes to light....Where evidence in Local Plans has become outdated and policies in emerging plans are not yet capable of carrying sufficient weight, information provided in the latest full assessment of housing needs should be considered. But the weight given to these assessments should take account of the fact they have not been tested or moderated against relevant constraints...'*
20. The Council published the Ipswich and Waveney Housing Market Areas Strategic Housing Market Assessment (SHMA) in May 2017 which is significant new evidence for the emerging Babergh and Mid Suffolk Joint Local Plan. Therefore, the 5 year land supply has been calculated for both the adopted Core Strategy based figures and the new SHMA based figures. For determining relevant planning applications, it will be for the decision taker to consider appropriate weight to be given to these assessments and the relevant policies of the development plan.
21. A summary of the [BDC] Council's 5 year land supply position is:
- i. Core Strategy based supply for 2017 to 2022 = 4.1 years
 - ii. SHMA based supply for 2017 to 2022 = 3.0 years
22. The NPPF requires that development be sustainable and that adverse impacts do not outweigh the benefits to be acceptable in principle. Paragraph 7 of the NPPF sets out three dimensions for sustainable development, economic, social and environmental:
- "an economic role - contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure:*
- a social role - supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being; and*
- an environmental role - contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy."*
23. In light of all of the above, this report will consider the proposal against the three strands of sustainable development, and also give due consideration to the provisions and weight of the policies within the development plan, in the context of the authority not being able to demonstrate a 5 year land supply.

Sustainability of the Proposal (including assessment against the development plan and the NPPF)

24. Policy CS2 of the Core Strategy identifies a settlement hierarchy to sequentially direct development, forming part of a strategy to provide for a sustainable level of growth. The Policy identifies categories of settlement/areas within the district, with Towns/Urban areas representing the most preferable location for development, followed by the Core then Hinterland Villages.
25. It falls to the local planning authority as decision maker to assess the weight, if any, that should be given to the existing policies. Officers consider this assessment should, in the present application, have regard to factors including whether the policies continue to perform a material planning objective and whether it is consistent with the policies of the NPPF.
26. Policy CS2 of the Core Strategy forms part of a suite of policies to control the distribution of new housing, and can be afforded weight, since it contributes to ensuring that development is sustainably located and unsustainable locations are avoided. This planning objective remains important and is consistent with the NPPF presumption in favour of sustainable development, by limiting development in less sustainable locations with a limited range of services to meet the needs of new residents in a sustainable manner. However, in the absence of a five-year supply and significant weight afforded to the provision of housing as to address the housing shortfall, Officers are of the view that these policies should be afforded limited weight.
27. Despite the limited weight afforded to the policy, Officers consider that the proposal would generally accord with Policy CS2 of the Core Strategy, located within the settlement boundary of Sudbury, a Town/Urban area, the most preferable location for development.
28. Further to the above, the proposal site, when assessed against the NPPF, is a sustainable location due to the level of services and facilities in the town and the accessibility to necessary services and facilities by sustainable modes of transport, as detailed below, thereby is acceptable in principle.
29. The dimensions of sustainable development, in the context of the proposed development, are assessed in detail below.

Economic.

30. Policy CS15 of the Core Strategy requires development within the district to protect or create jobs and sites to strengthen or diversify the local economy.
31. Policy EM24 of the Local Plan seeks to retain existing employment sites, permitting applications for the redevelopment or use of existing or vacant employment premises for non-employment purposes only if the applicant can demonstrate that their retention for an appropriate employment use has been fully explored.
32. The proposal site was last in use as a night club. Given the commercial nature and that a level of employment is generated from a night club operation, the existing is deemed to be an employment site for the purposes of the adopted Core Strategy and Local Plan.

33. The proposal site has been vacant since 2013 when the former nightclub operation ceased. The applicant has submitted a marketing appraisal prepared by Birchall Steel Consultant Surveyors considering the viability of any commercial uses continuing on the site. The appraisal concludes the following;
- “that the cost of bringing the property up to modern standards would be significant, and the prospects of then securing a commercial operator to take a lease on it would be very small”.*
34. Whilst the proposal would result in the re-development of the site for residential use and thus the loss of the existing employment premises, your Officers are satisfied that the marketing appraisal submitted confirms that the site is unlikely to be viable for a future commercial use. Furthermore, given the period of vacancy, the existing building is considered to have limited value as an employment site and contributes minimally to the local economy, mitigating the economic harm associated with its loss.
35. Further to the above, the provision of up to 15 flats will nonetheless give rise to employment during the construction phase of the development, whilst future occupiers of the development would be likely to use local services and facilities. Both factors will be of benefit to the local economy.
36. In conclusion, Officers consider the application demonstrates that the site is unviable for a future commercial use, whilst the proposal on balance would give rise to economic benefits, consistent with Policy EM24 of the Local Plan and the economic dimension of the sustainable development contained in the NPPF.

Social.

Loss of a Service or Facility

37. Policy CS15 of the Core Strategy requires development within the district to demonstrate the principles of sustainable development. The Policy identifies a number of criteria as to apply it within the local context, including; that new development should retain, protect or enhance local services and facilities and rural communities and consider the aspirations and level and range of support required to address deprivation and access to services.
38. The National Planning Policy Framework seeks to promote the retention and development of local services and community facilities, such as local shops, meeting places, sports venues, cultural buildings, public houses, and places of worship.
39. Paragraph 70 of the Framework in particular, seeks to guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs.

40. The permitted use of the site as a nightclub contributes to the availability of services and facilities within Sudbury. However, due to the nature of the use; Officers consider that the existing does not represent a service or facility necessary for the community to meet its day-to-day needs. Furthermore, given the vacancy of the site, Officers consider the current value of the site to the Sudbury community is diminished. Nonetheless, the proposal would result in a reduction of the availability of services and facilities and thus remains, in this regard, inconsistent with paragraph 70, the social dimension of sustainable development contained within the NPPF and criteria v) of Policy CS15 of the Core Strategy. The proposal would thus give rise to an adverse social impact, albeit limited.

Provision of New Housing

41. The development would provide a significant benefit in helping to meet the current housing shortfall in the district through the delivery of 15 dwellings.
42. The matter of the sustainability of the site in terms of access to local services is discussed further below.

Environmental.

Access to Services and Facilities

43. The site is located within the settlement boundary of Sudbury. The site is related to the settlement geographically and in its dependency upon services/facilities.
44. Sudbury is served by an array of services and facilities, including a primary and high school, health centre, a number of supermarkets, pubs, restaurants, shops and various employment opportunities. As such, the services and facilities within Sudbury are deemed to be sufficient as to meet day-to-day needs of occupants.
45. The reasonable access to services and facilities is reflected in Sudbury being designated a 'Town/Urban areas' in the Core Strategy settlement hierarchy, the main focus for development.
46. Several bus services operate from Sudbury, including connections with the towns of Bury St Edmunds, Colchester and Ipswich. Sudbury bus and coach station is located approximately 150 metres from the proposal site. Furthermore, a train service connects Sudbury, via Marks Tey, with Colchester, Ipswich, and London Liverpool Street. The service to Marks Tey operates hourly between 5:30 and 23:26 Monday – Friday, 6:26 and 23:26 Saturdays and 7:42 and 22:42 on Sundays. Sudbury train station is located approximately 150 metres from the proposal site. It is noted that the surrounding footpath network connects the proposal site to the services within Sudbury, including the bus and train station.
47. Given the above, Officers consider the proposal is located as to enable future occupiers access to services and facilities within Sudbury, whilst alternative methods of transport opposed to the private car offer a sufficiently attractive alternative for occupiers of the proposed accommodation, consistent with the environmental and social dimensions of sustainable development contained within the NPPF.

Design and Impact on Character and Appearance of the Area

48. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires local planning authority to have special regard to the desirability of preserving or enhancing the character and appearance of a Conservation Area.
49. Paragraph 131 of the NPPF states that the local planning authority should take account of the desirability of sustaining and enhancing the significance of heritage assets, the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and the desirability of new development making a positive contribution to local character and distinctiveness.
50. Paragraph 56 of the NPPF attaches great importance to the design of the built environment, stating that good design is a key aspect of sustainable development.
51. Policy CS15 of the Core Strategy, through the implementation of sustainable development, requires proposals to respect the landscape, landscape features and streetscene/townscape, whilst making a positive contribution to the local character, shape and scale of the area.
52. Policy CN01 of the Local Plan requires development proposals to be of appropriate scale, form, detailed design and construction materials for the location.
53. Policy CN08 of the Local Plan requires development to preserve or enhance the character of the Conservation Area.
54. Easterns is not a nationally protected historic building, however does form part of the Sudbury local list and is therefore regarded as a non-designated heritage asset. The site also lies within the Sudbury Conservation Area. The proposal seeks to demolish the majority of the existing building, however, the elements subject to demolition appear to have been significantly altered over time. Furthermore, the front façade, identified as being of particular importance due to it remaining relatively unaltered from its original form, is proposed to be predominately retained. The proposed new additions are considered to be acceptable, both in terms of their effect on the significance of the non-designated heritage asset and on the character and appearance of the conservation area.
55. The Council's Heritage Officer raises no objection to the proposal, subject to the imposition of conditions, whilst Historic England similarly raise no objection. These consultation responses formed the main material consideration in Officers determining the impact of the proposal on the non-designated heritage asset and Conservation Area.
56. Accordingly, Officers consider the proposal is of an acceptable design and will give rise to an acceptable impact upon the built and natural environment, consistent with the above policies and the environmental dimension of sustainable development.

Residential Amenity

57. Paragraph 17 of the NPPF sets out a number of core planning principles as to underpin decision-taking, including, seeking to secure a good standard of amenity for all existing and future occupants of land and buildings.

58. As discussed, whilst the permitted use of the site as a night club has ceased, the proposal would nonetheless re-develop the site, thus removing the potential for such a use re-commencing and the associated noise and disturbance that can from such a use.
59. The proposal is subject to first floor fenestration that serves a habitable room to flat 7 and an accessible roof terrace at second floor, given the angle of the window and position of the roof terrace, those views of neighbouring private amenity areas would be limited. Furthermore, those properties to the west, along Station Road are subject to limited privacy at present, a result of the side by side relationship of properties. As such the proposal would not lead to a significant loss of privacy.
60. Further to the above, although the proposal is over three storeys, given the height and massing of the existing building and the set back from the neighbouring boundary at second floor, the height of the proposal is not such as to give rise to a significant loss of light or loss of outlook to neighbouring properties.
61. Accordingly, Officers consider the proposal would not result in significant harm to the amenity of the occupants of neighbouring properties or future occupants of the proposal, in accordance with Paragraph 17 of the NPPF.

Highway Safety & Parking

62. Policy TP15 of the Local Plan, requires proposals to provide areas of parking in accordance with the parking standards adopted as Supplementary Parking Guidance. Car parking provision below these standards will be considered in relation to the type, scale and trip generation or attraction of the development; and its location and accessibility by means other than the car.
63. In accordance with the Suffolk Guidance for Parking Document (SGP) a minimum of 18 spaces should be provided, on the basis of 1 space per one bedroom flat and 1.5 spaces per two bedroom flat. In this instance 3 car parking spaces would serve the proposal. The application is accompanied by a parking assessment justifying the reduced provision of car parking spaces.
64. The proposal site is located within the settlement boundary of Sudbury, a sustainable location, as identified above. As such, the reliance upon private vehicular transport is reduced. Furthermore, there are opportunities for parking off-street within walking distance of the site, whilst the provision of 15 cycle storage spaces further encourages the use of alternative methods of transport to private car.
65. Given the above, Officer consider the absence of additional parking spaces, as to comply with the adopted parking standards, would not significantly compromise highway safety.
66. The Local Highways Authority raises no objection to the proposal subject to a condition. This consultation response formed the main material consideration in Officers determining the impact of the proposal on highways safety. The proposal is thereby considered to be acceptable in this regard.

Flood Risk

67. The proposal site lies within Floodzone 1 of the Environment Agency flood mapping, where flooding from rivers and the sea is very unlikely. There is less than a 0.1 per cent (1 in 1000) chance of flooding occurring each year. Given the low probability of flooding, the proposal is thereby acceptable in this regard.
68. A condition requiring details of a surface water management strategy, as requested by Anglian Water, is recommended as to suitably address matters of drainage.

Land Contamination

69. The Environmental Protection Team raises no objection to the proposal. This consultation response formed the main material consideration in determining risks associated with potentially contaminated land. Officers consider the proposal is thereby acceptable in this regard.

Biodiversity

70. In assessing this application due regard has been given to the provisions of the Natural Environment and Rural Communities Act 2006, in so far as it is applicable to the proposal and the provisions of Conservation of Habitats and Species Regulations 2010, in relation to protected species however the proposal raises no issues of significance.

Sustainable Design

71. Policy CS13 of the Core Strategy requires development to minimise dependence on fossil fuels and make the fullest contribution to the mitigation of climate change through adopting a sustainable approach to energy use.
72. Policy CS15 of the Core Strategy, through the implementation of sustainable development, requires proposals to address climate change through design, adaptation, mitigation and by incorporating or producing sources of renewable or low-carbon energy.
73. The Environmental Management Officer confirms that there is insufficient indication of measures to minimise fossil fuel use and mitigate climate change nor is there indication of the use of low or zero carbon technologies, advising the applicant to provide information on how this matter will be addressed to include (but not limited to) building design, fabric, heating, water use and renewables.
74. However, a Condition requiring details of a scheme for the provision and implementation of water, energy and resource efficiency measures, during the construction and operational phases of the development is recommended. Officers consider the condition can ensure suitable measures are implemented.

Affordable Housing

75. Policy CS19 of the Core Strategy seeks an affordable housing provision of 35% of total units.
76. The Policy is supplemented by the Affordable Housing SPD (2014). The document confirms that affordable housing should be provided on development sites for three or more dwellings apart from where the Council is satisfied that it is not possible to achieve appropriate affordable housing on site given the particular circumstances.

77. A commuted sum to be payable to BMSDC to allow for the provision of off-site affordable housing has been agreed, as on site provision would not be appropriate.
78. Paragraph 173 of the NPPF states the following:
79. "To ensure viability, the costs of any requirements likely to be applied to development, such as requirements for affordable housing, standards, infrastructure contributions or other requirements should, when taking account of the normal cost of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable development to be deliverable."
80. The PPG states that where the deliverability of the development may be compromised by the scale of planning obligations and other costs, a viability assessment may be necessary. This should be informed by the particular circumstances of the site and proposed development in question. A site is viable if the value generated by its development exceeds the costs of developing it and also provides sufficient incentive for the land to come forward and the development to be undertaken.
81. Where an applicant is able to demonstrate to the satisfaction of the Local Planning Authority that the planning obligation would cause the development to be unviable, the Local Planning Authority should be flexible in seeking planning obligations.
82. In this instance the applicant has submitted evidence which has been assessed by the Council's own viability consultant. It has been demonstrated to the satisfaction of officers that the scheme cannot be viewed as being viable and deliverable where a commuted sum based on a requirement for 35% affordable housing is rigidly held. A commuted sum of £50,000 to be payable to BMSDC to allow for the provision of off-site affordable housing has been agreed and although contrary to policy, Officers consider the reduction in affordable housing contribution is necessary to ensure that this development is both viable and capable of delivery.
83. It is therefore considered that the proposal, with a reduced level of affordable housing, should not be considered as unacceptable in this respect. Officers recommend the commuted sum be secured through a Section 106 legal agreement.

CIL and S.106 Planning Obligations

84. The Community Infrastructure Levy is a tool for local authorities in England and Wales to help deliver infrastructure to support the development of the area.
85. Babergh and Mid Suffolk District Council adopted a CIL Charging Schedule On 21st January 2016 and started charging CIL on planning permissions granted from 11th April 2016. Babergh and Mid Suffolk are required by Regulation 123 to publish a list of infrastructure projects or types of infrastructure that it intends will be, or may be, wholly or partly funded by CIL.
86. The current Babergh and Mid Suffolk 123 List, dated January 2016, includes the following as being capable of being funded by CIL rather than through planning obligations:
 - Provision of passenger transport
 - Provision of library facilities
 - Provision of additional pre-school places at existing establishments
 - Provision of primary school places at existing schools
 - Provision of secondary, sixth form and further education places
 - Provision of waste infrastructure
 - Provision of health facilities

87. With particular regard to education provision, Suffolk County Council forecast to have surplus places for Pre-School and Primary School provision, but no surplus places available at the High School to accommodate children and 16+ students arising from the proposal. An education contribution via CIL funding to mitigate the impact of this scheme would therefore be sought.
88. The information below would form the basis of a future bid from Suffolk County Council to the District Council for CIL funds if planning permission is granted and implemented.
- Primary Education - £ 12,181
 - Pre-School - £12,182
 - Libraries - £3,240
89. The above are considered to fall within the Councils CIL 123 list. As such, these infrastructure improvements should be dealt with by a future bid for CIL funds.

PART FOUR – CONCLUSION

Planning Balance

90. The proposal site is within the settlement boundary of Sudbury, where Policy CS2 of the Core Strategy seeks to direct new housing development.
91. However, Officers recognise that the aforementioned policy is currently considered out of date, and that the application therefore needs to be determined in accordance with paragraph 14 of the National Planning Policy Framework, with the presumption in favour of sustainable development, approving development unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits.
92. In this case the limited adverse social impact through the reduction of the availability of services and facilities within Sudbury, associated with the loss of the permitted nightclub use, does not significantly and demonstrably outweigh the benefits of the development, including the significant benefit in helping to meet the current housing shortfall in the district. The proposal would thereby represent sustainable development and should be granted in accordance with the presumption in favour of sustainable development.
93. The application is therefore recommended for approval.

Statement Required By Article 35 Of The Town And Country Planning (Development Management Procedure) Order 2015.

94. When determining planning applications The Town and Country Planning (Development Management Procedure) (England) Order 2015 requires Local Planning Authorities to explain how, in dealing with the application they have worked with the applicant to resolve any problems or issues arising.
95. In this case The Local Planning Authority requested the applicant amend the external materials to include a buff brick, securing a more appropriate design that better responds to streetscene and Conservation Area.

Identification of any Legal Implications of the decision

96. It is not considered that there will be any Legal Implications should the decision be approved.
97. The application has been considered in respect of the current development plan policies and relevant planning legalisation. Other legislation including the following have been considered in respect of the proposed development.
- Human Rights Act 1998
 - The Equalities Act 2012
 - Town & Country Planning (Listed Buildings & Conservation Areas) Act 1990
 - Natural Environment and Rural Communities (NERC) Act 2006 (any rural site)
 - The Conservation of Habitats and Species Regulations 2010
 - Localism Act
 - Consideration has been given to the provisions of Section 17 of the Crime and Disorder Act, 1998, in the assessment of this application but the proposal does not raise any significant issues.

RECOMMENDATION

That the Corporate Manager - Growth and Sustainable Planning be authorised to grant planning permission subject to the prior completion of a Section 106 or Undertaking on terms to his satisfaction to secure the following heads of terms:

- £50,000 for the provision of off-site affordable housing.

and that such permission be subject to conditions including:




- Standard time limit
- Approved plans
- Details and samples of external materials
- Details of fenestration
- Details of finishing to all new openings
- Details of a surface water management strategy
- Parking, maneuvering, and cycle storage areas to be provided in accordance
- Details of a construction management plan
- No burning on site during the construction phase
- Specification of provision of illumination and to control light pollution
- Measures to improve sustainability

Application No: B/16/01670/FUL




Parish: Sudbury



Location: Easterns, 31 Station Road, Sudbury

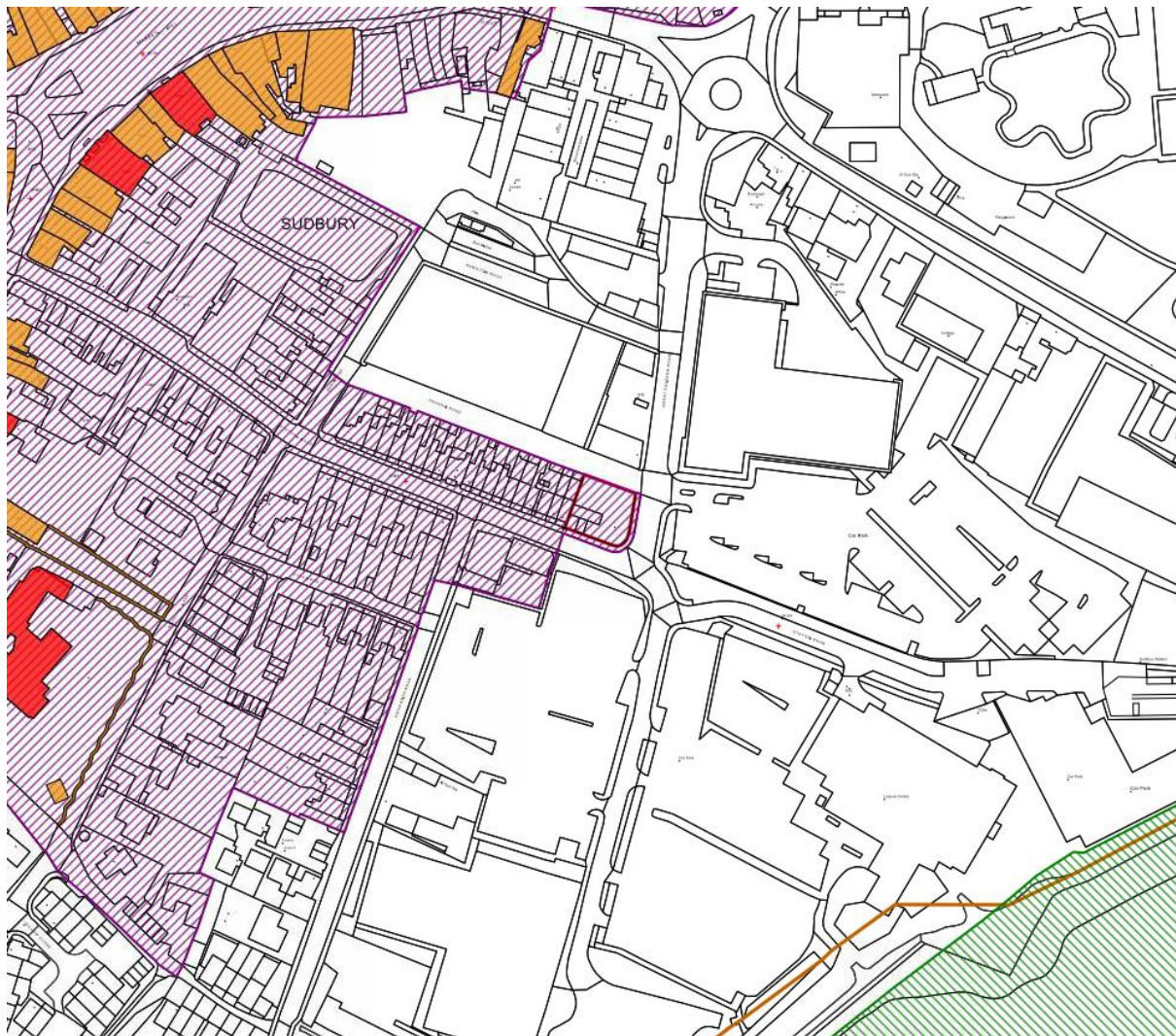
Legend

-  Area of Outstanding Natural Beauty
-  Special Landscape Area
-  Conservation Area

Listed Buildings

-  Grade 1
-  Grade 2
-  Grade 2 *

-  The Site
-  Built up Area Boundary



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Agenda Item 9c

Committee Report

Committee Date: 21 June 2017

Item No: 3

Reference: B/16/01457

Case Officer: Alex Scott

Description of Development: Erection of temporary dwelling for rural worker in relation to existing pony & cob stud.

Location: Land East of Samsons Lodge, Whatfield Road, Aldham, IP7 6LJ

Parish: Aldham

Ward: South Cosford

Ward Member: Cllr A. Ferguson

Site Area: 0.2 ha

Conservation Area: Not in Conservation Area

Listed Building: Not Listed

Received: 10/10/2016

Expiry Date: 24/12/2016

Application Type: Full Planning Application

Development Type: Major Residential Dwellings

Environmental Impact Assessment: N/A

Applicant: Ms S. Sage

Agent: Embrace Architecture Ltd.

DOCUMENTS SUBMITTED FOR CONSIDERATION

The application, plans and documents submitted by the Applicant can be viewed online. Alternatively, a copy is available to view at the Mid Suffolk and Babergh District Council Offices.

SUMMARY

The proposal has been assessed with regard to adopted development plan policies, the National Planning Policy Framework and all other material considerations. The officers recommend approval of this application. The proposed development represents sustainable development in support of an established rural enterprise.

PART ONE – REASON FOR REFERENCE TO COMMITTEE

1. The application is referred to committee for the following reason/s:

- at the request of Councillor Ferguson

PART TWO – APPLICATION BACKGROUND

2. This section details history, policies, advice provided, other legislation and events that form the background in terms of both material considerations and procedural background.

History

3. The planning history relevant to the application site is listed below. A detailed assessment of the planning history including any material Planning Appeals will be carried out as needed in Part Three:

| | | |
|------------|--|-----------------------|
| B/15/00599 | Erection of stables, tack room & store including WC & hand washing station. Alteration to driveway. | Granted 04/08/2015 |
| B/14/00355 | Change of use of agricultural land to Equine use and erection of single-storey outbuilding consisting of 3 no. stables, tack room and store. | Granted 06/06/2014 |

Details of Previous Committee / Resolutions

4. None

Details of Member site visit

5. None

Details of any Pre Application Advice

6. The applicant engaged in pre-application advice and was advised that any application would need to be accompanied by a statement of justification and evidence to demonstrate an essential need for a rural worker to live on the site in support of an established enterprise. The applicant was also advised that a permanent dwelling would not likely be supported due to the proposed location in open countryside, detracted from services and facilities and that any dwelling proposed should be temporary and capable of removal should the current need cease.

PART THREE – ASSESSMENT OF APPLICATION

Consultations

7. The following responses have been received from consultees:

Aldham Parish Council: Unanimously objects to the application on the following grounds:

- The associated horse breeding activity will be to the detriment of the amenity of local residents;
- The associated activity is in direct contravention of a condition attached to planning permission B/15/00599/FUL on the site;
- The applicant has not been in the business of breeding and showing for a considerable time;
- Speculate that the applicant's true motive is to establish a residential foothold on the site;
- Erection of a dwelling, temporary or not, is still the erection of a dwelling;
- Do not consider it necessary to erect a dwelling on the site for security purposes;
- There is no independent evidence of criminal activity on the site to corroborate what the applicant says.

County Highway Authority: No objection subject to compliance with suggested conditions

Environmental Protection – Land Contamination Issues: No objections to the proposed development from the perspective of land contamination – Request EP are contacted in the event of unexpected ground conditions being encountered during construction and that the developer be made aware that the responsibility for the safe development of the site lies with them.

Environmental Protection – Sustainability: No comment to make.

Environmental Protection – Other Issues: No objections subject to: control of occupancy to someone directly involved with the pony and cob stud; and a condition restricting provision of external lighting except in accordance with further details.

County Flood and Water Engineer: The LPA should ensure the application complies with national, local policy, best practice and guidance in relation to flood risk and surface water drainage.

Suffolk Fire and Rescue Service: The nearest fire hydrant is over 170m from the proposed build site – recommend consideration be given for the provision of an automatic fire sprinkler system.

Representations

8. At the time of preparing this report, letters of representation have been received from a total of 4 no. third party sources in conjunction with the application, making the following summarised objections:

- Do not consider there is sufficient justification for the proposal as per policy framework reference guidelines including documents such as NPPF & PPS 7;

- Proposal does not fall into the remit of Policy CS1;
- Proposal points to a longstanding strategy to build a dwelling on the site;
- The applicant has amended the need, rationale and requirements for the proposed dwelling to be on the site from a security need to a business and welfare need to a lifestyle choice;
- Confusing as to whether proposal is in support of a business venture or a lifestyle choice;
- A lifestyle choice should not be a reason to grant planning;
- The access road (Rectory Road) is narrow, not a through road, is poorly maintained, has no waiting / passing areas, no street lighting and no footpath;
- Question how large vehicles will access the site due to the narrow width of the lane and access;
- Concern with regards impact on safety of school children who walk down Rectory Lane to the bus stop on a daily basis;
- Question at what point in the future the dwelling and related infrastructure will be removed and how will this be enforced;
- The Stud business is not permitted due because of restrictive conditions placed on a prior planning approval on the site;
- Welfare and Vet services are contradicted in the application, High-cliff Vet Practice did not offer Equine services after Mr. Hitchcock retired;
- There is no specific replacement Practice mentioned in the subsequent information to back up welfare of the ponies and it is questionable that one was engaged;
- Living next to the site, we have neither seen nor have any evidence or proof of any security issues.
- Security should not be a valid argument for the applicant to build a temporary dwelling;
- Damage caused to the applicant's fencing was as a result of Storm Doris and not criminal damage;
- Security is not considered to be a risk in Aldham Tye;
- Should security for the animals be an issue then the stables which have already been approved should be built and not the proposed dwelling;
- The proposed dwelling seems far from temporary;
- Do not believe the proposed dwelling would be a temporary structure and could easily be taken down or the applicant intends to do so;
- The applicant has made it clear on many occasions to various parties that it is their desire to re-locate and live on the land permanently;
- Object to the amount of time it has taken to determine the application and that the applicant has been allowed to submit revised and further information;
- The content of a magazine article, referred to in the application, with regards Drone Flights over the site which allegedly distressed the animals, is false.

The Site and Surroundings

9. The proposed site extends to approximately 0,2 hectares and lies within open countryside, approximately 3.2 kilometres (2 miles) to the north-east of the market town of Hadleigh, within the small settlement known as Aldham Tye.

10. The site is accessed via Rectory Lane, a narrow country lane which branches off from Whatfield Road to the west, giving access to existing land and properties, and which terminates short of agricultural fields to the west.
11. The site is roughly rectangular in shape with the longest axis fronting Rectory Lane and comprises an existing vehicular access.
12. Site levels gently slope to the northeast part of the site. A further 2.3 hectares also under the applicant's ownership directly abut the southern and south-western boundaries of the application site.
13. The site comprises rough grassland paddocks, extending to the south for the husbandry of ponies. Timber post and rail paddock fencing define the southern, eastern and western boundaries and a high mature native hedge forms a strong visual feature to the north, running parallel with Rectory Lane. This hedge is roughly bisected by the existing vehicular access proposed to be retained as part of a previous planning approval for the provision of stables on the site. Further paddocks abut the site to the east and arable farmland is located beyond the southern boundary, to the south of an existing east-west orientated farm track.

Overview

14. The proposal site previously formed part of Bishops Barn (the applicant's former address). The land was retained in the applicant's ownership when Bishops Barn was sold and vacated in 2013.
15. The Stud has operated since 1975 and has a proven track record of success. The site breeds the internationally renowned Trelawn pony breed and ponies bred from the site have won many prestigious national and international breeders championships including the horse of the year show at Wembley. Trelawn ponies are in great demand both nationally and abroad.
16. Foaling requires an 11 month process and foaling at the Stud has stalled somewhat since it became necessary for the applicant to move out of Bishops Barn and away from the site in 2013. It is the intention of the applicant to recommence Breeding should stabling and care for the ponies be secured.
17. It is anticipated that the Stud would accommodate 3 no. breeding ponies and produce 3 no. foals per year. However it is possible that there could be a maximum number of 8 no. animals on the site at any one time.
18. There are currently 4 no. ponies on the site:
 - Trelawn 'Covergirl'
 - Trelawn 'Majorette'
 - Trelawn 'Marianne'
 - Trelawn 'Laithehill Fairytale' (brood mare and champion in 2015)
19. The equine use of the land was regularised by planning permission B/14/00355/FUL granted on 6th June 2014. Furthermore, planning permission has recently been granted for new stables and attached tack room in August 2015 (Ref: B/15/00599).
20. The Stud is a private enterprise, is not commercial and is run on a non-profit basis and any profit made through sale is put directly back into the purchase of feeds, tack, rugs, maintenance and veterinarian bills.

21. The Stud only requires visiting vehicles very occasionally by: the occasional horse box; Hay and Straw deliveries (3 no. tractor/trailer loads) at harvest time; and the Farrier (hoof care and attaching of Horse Shoes) in a small van every 6 to 8 weeks. Feed is collected by the applicant and delivered to the site by private car.

Circumstances and Need

22. The applicant's need for a dwelling and round the clock presence on the site is based on two main factors: in the interest of the care, health and welfare of the animals; and in the interest of security of the site and animals.

Health, Care and Welfare

23. A letter has been received in support of the application form from Peter Mason (BVetMed MRCVS) of Stowe Veterinary Practice, regarding the need for a person to live on the site in order to provide round the clock care for the ponies.
24. For Members' information Mr Mason is a partner within the practice with a specialist interest in equine medicine, surgery and dentistry and leads the team of equine veterinary surgeons.
25. Mr Mason made an inspection of the existing Trelawn Stud site, to ensure it is appropriate for both current and planned equine needs.
26. Mr Mason's assessment is as follows:
27. The property has been used for breeding and grazing horses for approximately forty years and the applicant has lived adjacent to the land up until the recent sale of the property following a death in the family. The applicant now lives five miles from the proposal site with a travelling time of between ten and fifteen minutes, traffic dependent.

Mr Mason has been informed of the application proposal in order to be on site as needed for the day and night running of the stud. Mr Mason confirms that in his professional opinion the applicant would need to be present at the premises at all times in order to tend the needs of the animals and their offspring.

28. Mr Mason goes on to say that there are a multitude of things that can go wrong during the conception, pregnancy, parturition (birth) and raising of foals all that require prompt intervention and constant monitoring. Mr Mason states that he would go so far as to say that he considers it to be neglectful if the mares and foals were left to their own devices for periods longer than an hour or two and would also be concerned for their safety with regards to theft or malicious damage if left unattended for long periods.

Mr Mason states that following discussion with the applicant it appears that it is the intention to breed between four and six mares per year making the whole process a full time occupation rather than a hobby and that the time taken to breed, wean, school and train the youngsters will take up all of the applicant's time throughout the year. Furthermore, it is likely that stallions will be resident at the yard and these horses require close attention throughout the day to keep themselves and the other horses on the premises safe and well segregated.

29. Mr Mason is of the opinion that the location provides ample grazing for the number of horses planned and with a sensible layout of stables and accommodation would allow the horses to be monitored safely and easily over a twenty-four-hour period. Mr Mason states that from a veterinary perspective he would hope to have electricity and mains water available to vets to use in case of emergency where horses may need to be radiographed or scanned at the premises. It is also probable that out of hours calls will be likely owing to the nature of horse foaling where they prefer to give birth during the night hours, and for this reason good lighting and facilities would be immensely helpful.

Security

30. The site has been subject to a number of ongoing low level incidents since October 2015 involving persons deliberately entering paddocks. The incidents have been for an ongoing, sustained period, gradually escalating in seriousness.
31. The incidents include: entrance gates taken off posts; sections of post and rail boundary fencing being damaged or taken down; staples being removed from fencing; other gates deliberately left open; feeding and water troughs tipped over; water butts filled with mud; pony feed being tampered with; new hedging damaged and removed; taps deliberately left on; gates removed and locks superglued shut; and drones being flown over the land causing distress to ponies, the distressing effect of which was published in Horse and Hound Magazine (please note this particular allegation is disputed in a neighbour representation received as part of the formal consultation process).
32. The incidents were reported and the Police visited site on 15/11/2015 & 25/11/2015 (Crime number: 37/12046/15). It is understood that investigations are ongoing and your officers have been advised that the most recent incident was reported on 14/10/2016.
33. The incidents have resulted in building contractors (for the new stables, Planning Permission Ref: B/15/00599/FUL) have declined work due to financial risk of potentially losing valuable equipment and materials on the site as a result of its recent history.
34. The Incidents have also had an effect on the health and welfare of the ponies on the site.
35. The applicant has stated that the need for site security would be 'tenfold' when ponies are in foal with 24 hour care for mares and foals being required and very close supervision before, during and after they are born. The applicant has stated that should a mare be chased, 'worried' or escapes they are at risk of aborting and if not quickly can die (this is corroborated in a letter provided by Veterinarian in support of the application).
36. Due to ongoing concern for the welfare of her ponies, breeding has had to be temporarily suspended. The applicant has stated that Pony breeding of this high standard has to be planned on a 3 year cycle and the welfare and security of the ponies is paramount in such planning, as such, 24 hour presence on the site enabling care to be administered at very short notice is key to the continuation of breeding on the site.
37. The applicant has also stated that there would be concern for public safety should ponies be let out as they would react predictably if scared and the possible consequences are difficult to find insurance for.

38. The applicant has stated that the following security measures are either in place or have been considered: regular Police monitored and patrols; Neighbours made aware of incidents; Police consider that, due to generally remote, screened nature of the site and gradually sloping landscape, effective security is extremely difficult, including the potential for CCTV monitoring of the site; CCTV has been installed by various neighbours along perimeter of land but are unlikely to detect incidents as the north and east are accessible from the countryside beyond; The Police have advised the applicant that the only effective method of securing the site is to have a permanent 24 hour presence on the site.

The Proposal

39. The application proposes the provision of a single-storey temporary/demountable structure on the site to be used as a dwellinghouse for the on-site occupancy of the applicant in the interest of providing round the clock care and security for ponies.
40. The proposed structure is designed to be modest in nature and look so as to complement the stable and tack room building recently granted planning permission (Ref: B/15/00599) (not yet constructed).
41. The proposed dwelling would be a simple, rectangular footprint, single-storey demountable structure measuring 16.9 metres long by 6.6 metres wide (111.5 square metres in footprint measured externally). The proposed structure would have a maximum ridge height of 5.925 metres and an eaves height of 2.1 metres. The proposed structure would be externally finished in facing timber feather-edged weatherboarding, applied horizontally, with Exposed Oak framing to the gable ends and an open sided verandah with supporting timber columns along the length of the south-east elevation. The proposed structure would have a blue/black natural slate roof finish.
42. The proposed dwelling would consist of: 1 no. bedroom; office space in relation to the stud enterprise; a sitting room; a kitchen/dining area; WC and wash facilities; and a utility/store.
43. The applicant has confirmed in writing that the proposed structure would be in accordance with the definition of a temporary structure, as set out in section 13(2) of the Caravan Sites Act 1968 (as amended) in that:
- 1) The maximum length would be less than 20 metres (65.61 feet);
 - 2) The maximum width would be less than 6.8 metres (22.3 feet);
 - 3) The proposed internal floor to ceiling level would be less than 3.05 metres (10 feet);
 - 4) The proposal would comprise of a maximum of 2 no. prefabricated sections capable of being transported to the site by trailer and being assembled on site.
44. On site turning and parking would be provided to the north-east of the proposed structure, adjacent to the site access.

NATIONAL PLANNING POLICY FRAMEWORK

45. The National Planning Policy Framework (NPPF) contains the Government's planning policies for England and sets out how these are expected to be applied. Planning law continues to require that applications for planning permission are determined in accordance with the Development Plan unless material considerations indicate otherwise. The policies contained within the NPPF are a material consideration and should be taken into account for decision-making purposes.

PLANNING POLICIES

46. The development Plan comprises the Babergh Core Strategy 2014 and saved policies in the Babergh Local Plan (Alteration No.2) adopted 2006. The following policies are applicable to the proposal:

BABERGH CORE STRATEGY 2014

- CS1 Applying the Presumption in favour of sustainable development in Babergh
- CS2 Settlement Pattern Policy
- CS3 Strategy for Growth and Development
- CS15 Implementing Sustainable Development in Babergh
- CS18 Mix and Types of Dwellings

NEIGHBOURHOOD PLAN/SUPPLEMENTARY PLANNING DOCUMENTS/AREA ACTION PLAN

47. None

BABERGH LOCAL PLAN (ALTERATION NO.2) 2016

- CN01 Design Standards
- CR07 Landscaping Schemes
- TP15 Parking Standards – New Development

PLANNING GUIDANCE

- PPS7 Annex A: Agricultural, Forestry and Other Occupational Dwellings
- Caravan Sites and Control of Development Act 1960 (as amended)
- Caravan Sites Act 1968 (as amended)
- Social Landlords (Permissible Additional Purposes) (England) Order 2006
- Suffolk Guidance for Parking – Technical Guidance 2014 (as amended)

Main Considerations

48. From an assessment of relevant planning policy and guidance, representations received, the planning designations and other material issues the main planning considerations considered relevant to this case are set out including the reason/s for the decision, any alternative options considered and rejected.

The Principle of Development

49. Policy and Guidance

The following specific planning policy and guidance has been taken into account in establishing the principle of the proposed development:

50. Paragraph 55 of the NPPF states the following:

To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby. Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances such as:

- The essential need for a rural worker to live permanently at or near their place of work in the countryside; or
- Where such development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets; or
- Where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting; or
- The exceptional quality or innovative nature of the design of the dwelling.

Such a design should:

- be truly outstanding or innovative, helping to raise standards of design more generally in rural areas;
- reflect the highest standards in architecture;
- significantly enhance its immediate setting; and
- be sensitive to the defining characteristics of the local area.

51. Furthermore, policy CS2 of the Babergh Core Strategy (2014) states inter alia the following: In the countryside, outside the towns / urban areas, Core and Hinterland Villages defined above, development will only be permitted in exceptional circumstances subject to a proven justifiable need.

52. The special and exceptional circumstances, as stated in the above planning policies, that are relevant to the application proposal are considered to relate to the following:

- 1) In the interest of continuation of a breed of pony which of national and international renown and demand; and
- 2) In order to meet the essential need for a rural worker to live permanently at their place of work in the countryside.

53. In addition: the applicant has proposed that the dwelling would be provided in the form of a temporary, demountable structure, able to be removed from the site and the land remediated should the current need cease.

Assessment against Annex A of Planning Policy Statement 7 (PPS7)

54. In the absence of replacement policy and guidance, in assessing whether a proposal is required in order to meet an essential need for a rural worker to live permanently at their place of work in the countryside, it is considered reasonable to continue to rely on the criteria provided in Annex A of Planning Policy Statement 7 (PPS7) “sustainable development in rural areas” (2004).
55. Annex A of PPS7 states that new dwellings should only be allowed in support of existing activities on well-established units providing:
- (i) There is a clearly established existing functional need;
 - (ii) The need relates to a full time worker, or one who is primarily employed in the business and does not relate to a part-time requirement;
 - (iii) The unit and the activity concerned have been established for at least three years, have been profitable for at least one of them, are currently financially sound, and have a clear prospect of remaining so;
 - (iv) The functional need could not be fulfilled by another existing dwelling on the unit, or any other existing accommodation in the area which is suitable and available for occupation by the workers concerned; and
 - (v) Other planning requirements, e.g. in relation to access, or impact on the countryside, are satisfied.
56. Annex A also states that a **functional test** is necessary to establish whether it is essential for the proper functioning of the enterprise for one or more workers to be readily available at most times. Such a requirement might arise, for example, if workers are needed to be on hand day and night:
- (i) In case animals or agricultural processes require essential care at short notice;
 - (ii) To deal quickly with emergencies that could otherwise cause serious loss of crops or products, for example, by frost damage or the failure of automatic systems.
57. Of particular relevance to the application proposal, paragraph 6 of Annex A states (inter alia) that the protection of livestock from theft or injury by intruders may contribute on animal welfare grounds to the need for a new dwelling, although it will not by itself be sufficient to justify one.
58. In assessing the proposal against the above criteria it is clear that the activities on the site relate to a well-established unit which has operated successfully for approximately the past 40 years.
59. It is considered that there is a clearly established existing functional need for the proposed dwelling in order to provide essential care for animals at short notice (as corroborated above by a veterinarian professional). This functional need is also supported by the need to protect livestock from theft or injury by intruders which, as stated on paragraph 6 of Annex A, contributes on animal welfare grounds to the need for a new dwelling.
60. The need relates to a full time worker who will be primarily engaged in the enterprise as their full time occupation. A summary of the commitment both in time and resources required in order to run the business has been provided by the applicant in support of the application.

61. As stated above, the unit and activity concerned have been established far in excess of the required minimum of 3 years and the activity has returned profit sufficient to sustain the applicant and to continue the business. The activity is therefore considered to be financially sound and have a clear prospect of remaining so.
62. Whilst the applicant currently lives within 10 to 15 minutes driving time away from the site it has been corroborated by the veterinarian professional that the applicant would need to be present at the premises at all times in order to tend the needs of the animals and their offspring. There are also no current dwellings on or in close proximity to the site which could be occupied by the applicant in order to satisfy the current need. It is not, therefore, considered that the functional need could be fulfilled by another existing dwelling on the unit, or any other existing accommodation in the area which is suitable and available for occupation by the worker concerned.
63. All other planning requirements relating to the proposal are assessed later on in the report.

Assessment of Temporary Nature of Proposed Structure

64. In assessing whether the proposed structure would be considered temporary reference is made to the definition of a temporary structure as provided in section 29 (1) of the Caravan Sites and Control of Development Act 1960 which states this would include:

“... Any structure designed or adapted for human habitation which is capable of being moved from one place to another (whether being towed, or by being transported on a motor vehicle or trailer) and any motor vehicle so designed or adapted but does not include:

 - (A) Any railway rolling stock which is for the time being on rails forming part of a system or
 - (B) Any tent”
65. Further to this section 13 (1) of the Caravan Sites Act 1968 elaborates that this would also include a structure designed or adapted for human habitation which is composed of not more than two sections separately constructed and designed to be assembled on a site by means of bolts, clamps and other devices.
66. Paragraph 3 of article 3 of the Social Landlords (Permissible Additional Purposes) (England) Order 2006 provides the maximum dimensions of a structure which could be considered to be temporary being:
 - (a) Length 20m (65.6FT)
 - (b) Width: 6.8m (22.3ft)
 - (c) Overall height (measured internally from the floor at the lowest level to the ceiling at the highest level) 3.05m (10ft)
67. In assessing the proposal in this respect the applicant has confirmed in writing the following:
 - 1) Confirm the proposed temporary dwelling is within the 6.8m x 20m maximum external dimensions;
 - 2) The proposed internal floor to ceiling level has not been finalised but will be well below the specified maximum of 3.05m. For information purposes it is anticipated that the internal floor to ceiling height will be approximately 2.3m;

- 3) With reference to the required number of sections required to construct the temporary dwelling, we can confirm that there are a large number of manufacturers who can provide this type of sectional structure and if required we will be able to comply with the maximum 2 no. sections required.
68. The principle of the proposed development is therefore considered to be acceptable subject to assessment of other material planning considerations. Those considered most relevant to the proposal are set out below:

Design and Impact on Landscape

69. The dwelling is located close to and parallel with the existing high mature hedge fronting Rectory Lane which affords screening and softening in views of the site from Rectory Lane.
70. The proposal would utilise the existing vehicular access for Rectory Lane and a hardstanding turning and parking area is proposed adjacent. The proposed dwelling would be located further to the south-west of the access and parking area with a simple permeable informal path connecting the dwelling to the parking area. No other intervention onto the paddocks is proposed.
71. The design and appearance of the proposed dwelling has been carefully conceived to present a very modest, utilitarian agricultural inspired ancillary outbuilding, complementary to the stable building recently approved. The proposed materials and detailing follow the precedent set by the approved stables can be seen to be derived from a simple agricultural aesthetic. The proposed temporary dwelling has a very simple, easily recognised agricultural form and expression with double pitched roof, ridge and eaves, simple rectangular footprint and small scale structural openings. Selected facing and roofing materials of horizontal timber boarding, blue/black slate and expressed timber framing form a subtle complementary composition to the familiar Suffolk palette.
72. The proposed dwelling would be designed to fit the criteria of a temporary/demountable structure capable of being removed from the site, and the land remediated, should the present need cease.
73. The proposal intends to retain all existing landscape features without any disturbance, maintaining the existing landscape character of the site. All boundary treatments are to be retained as existing including the dominating native species hedge fronting Rectory Lane.
74. The existing site access is to be retained, without any further disturbance to the hedge line.
75. The general guiding feature is to 'tread lightly' on the site, maintaining the paddocks and where minimal intrusion is intended such as the informal path from the dwelling to the stables, this is to be a permeable, unbound surface and easily reversible.

Site Access, Parking And Highway Safety Considerations

76. The proposal would utilise the existing vehicular access to the site, shown to be retained on the proposed plans.
77. Existing enterprise requires only very occasional visits to the site by horsebox, tractor and trailer, farrier's van and veterinarian. These traffic movements will not change should planning permission be granted.

78. The applicant is currently required to travel to and from the site on a very regular basis these vehicle movements would be substantially reduced should permission be granted.
79. The proposed dwelling would have 1 no. bedroom and there would therefore be a need for 1 no. additional on-site parking space, in accordance with current advisory parking standards provided by the local highway authority.
80. The application proposes the provision of an on-site turning and parking area with 2 no. car parking spaces available and sufficient additional space to park visiting horseboxes, vans and trailers.
81. The proposal is therefore considered acceptable in terms of highway safety and convenience considerations.

Impact on Residential Amenity

82. The proposed dwelling would be located a minimum distance of 22 metres from the nearest residential property boundary with Samsons Lodge, to the south-west of the site.
83. By reason of the proposal's single-storey scale and separation distance from neighbouring boundaries it is not considered that it would result in demonstrable harm to the amenities currently enjoyed by occupants of neighbouring properties to consider refusal of the application on these grounds.

Environmental Impacts – Land Contamination

84. The Council's land contamination specialists have reviewed the application and have raised no objections to the proposed development from the perspective of land contamination. The applicant is, however, advised to contact the Council's Environmental Protection Team in the event of any unexpected ground conditions being encountered during construction. The applicant is also made aware that the responsibility for the safe development of the site lies with them.

Biodiversity and Protected Species

85. In assessing this application due regard has been given to the provisions of the Natural Environment and Rural Communities Act, 2006, in so far as it is applicable to the proposal and the provisions of Conservation of Habitats and Species Regulations, 2010 in relation to protected species.

PART FOUR – CONCLUSION

Planning Balance and Assessment

86. It is considered that the proposal would provide an economic benefit in terms of enabling the continuation of a successful rural enterprise, would provide a social benefit in terms of deterring criminal activity and providing an additional dwelling which would contribute, at least temporarily, towards the current housing shortfall in the district, and would provide environmental benefits in terms of reduced car journeys by the applicant.
87. It is considered that the aforementioned benefits would outweigh the harm which would result by way of the provision of an isolated new dwelling in the countryside, detracted from services and facilities.
88. The proposal is, therefore, on balance considered to represent sustainable development as set out in the NPPF.

Statement Required By Article 35 of The Town and Country Planning (Development Management Procedure) Order 2015.

89. When determining planning applications The Town and Country Planning (Development Management Procedure) (England) Order 2015 requires Local Planning Authorities to explain how, in dealing with the application they have worked with the applicant to resolve any problems or issues arising. In this instance the applicant has worked to address problems and has sought to resolve these wherever possible.

Identification of any Legal Implications of the decision

90. The application has been considered in respect of the current development plan policies and relevant planning legalisation. Other legislation including the following has been considered in respect of the proposed development.
- Human Rights Act 1998
 - The Equalities Act 2012
 - Town & Country Planning (Listed Buildings & Conservation Areas) Act 1990
 - Natural Environment and Rural Communities (NERC) Act 2006 (any rural site)
 - The Conservation of Habitats and Species Regulations 2010
 - Localism Act
 - Consideration has been given to the provisions of Section 17 of the Crime and Disorder Act, 1998, in the assessment of this application but the proposal does not raise any significant issues.

RECOMMENDATION

That Planning Permission be granted subject to conditions including:-




- 1) Standard Time Limit;
- 2) Standard List of Approved Plans and Documents;
- 3) Precise details and specification of temporary structure;
- 4) Permission restricted to specific business/enterprise;
- 5) Dwelling to be removed from site should current enterprise cease;
- 6) Removal of 'permitted development rights' for alterations and extensions to the approved dwelling and for provision of ancillary buildings and structures;
- 7) Removal of 'permitted development rights' for external lighting;
- 8) Those required by the local highway authority

Application No: B/16/01457/FUL




Parish: Aldham



Location: Land East of Samsons Lodge, Whatfield Road, Aldham

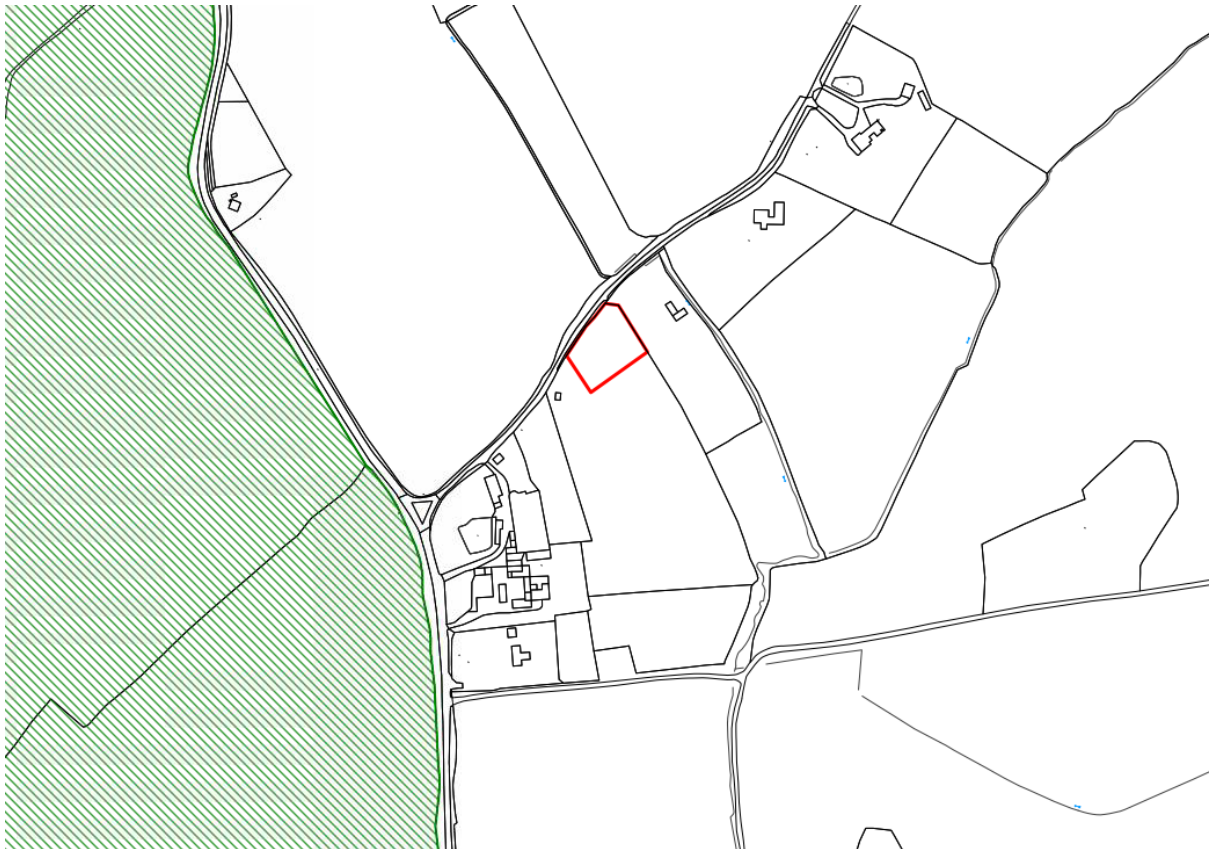
Legend

-  Area of Outstanding Natural Beauty
-  Special Landscape Area
-  Conservation Area

Listed Buildings

-  Grade 1
-  Grade 2
-  Grade 2 *

-  The Site
-  Built up Area Boundary



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Agenda Item 9d

Committee Report

Item No: 4

Reference: B/17/00023
Case Officer: John Davies

Description of Development: Outline- Erection of detached two-storey dwelling with garage/carport and parking/turning area incorporating existing vehicular access from Raydon Road. As amplified by additional information comprising Agricultural Viability Statement, Land valuation, additional demolition quotation and plans 2489/01A and 02A received 25 April 2017.

Location: Ceylon House, Raydon Road, Hintlesham, IP8 3QH
Parish: Hintlesham

Ward: Brook
Ward Member/s: Cllr N Ridley and Cllr B Gasper

Site Area: 0.27
Conservation Area: Not in Conservation Area
Listed Building: Not Listed

Received: 05/01/2017
Expiry Date: 31/03/2017

Application Type: Outline Planning Permission
Development Type: Minor Dwellings
Environmental Impact Assessment: Environmental Assessment Not Required

Applicant: Mr and Mrs Murray
Agent: Nick Peasland Architectural Services

DOCUMENTS SUBMITTED FOR CONSIDERATION

The application, plans and documents submitted by the Applicant can be viewed online.

Alternatively a copy is available to view at the Mid Suffolk and Babergh District Council Offices.

SUMMARY

The proposal has been assessed with regard to adopted development plan policies, the National Planning Policy Framework and all other material considerations. The officers recommend approval of this application on the balance of the relevant issues. The proposed dwelling would represent unsustainable development within the countryside contrary to national and local policies. However, in this case the development would include the removal of large, redundant and unsightly glasshouses which is a material consideration and a potential exception to justify the proposed dwelling.

PART ONE – REASON FOR REFERENCE TO COMMITTEE

The application is referred to committee for the following reason/s:

- A Member of the Council has requested that the application is determined by the appropriate Committee and the request has been made in accordance with the Planning Charter or such other protocol / procedure adopted by the Council.

PART TWO – APPLICATION BACKGROUND

1. This section details history, policies, advice provided, other legalisation and events that form the background in terms of both material considerations and procedural background.

History

2. The planning history relevant to the application site and associated land is set out below. A detailed assessment of the planning history including any material Planning Appeals will be carried out as needed in Part Three:
3. The building (known as Ceylon House) has been at this site since at least 1926 as it can be seen on maps from that time. However it is likely to be much older than that dating back to the 18th Century. Records indicate that use of the site as nurseries goes back to at least 1949/50 when they were known as Ceylon Nurseries, which had become Chartwell Nurseries during the 1960s.
4. Planning permission (W/9602/1) was granted for Chartwell House (on the other side of Raydon Road opposite Ceylon House) in 1972 and condition 2 of that permission required the dwelling to be occupied in conjunction with Chartwell Nurseries. Chartwell House was approved as a replacement dwelling and Ceylon House was required to be demolished as part of that permission. Ceylon House, however, was not demolished.
5. In 1979 an application (B/79/00793) was made to remove condition 2 of the previous approval. The application was approved allowing Chartwell House to be occupied by persons who have no connection to Chartwell Nurseries. However the 1979 application was subject to a Section 52 agreement limiting the occupation of the old dwelling (Ceylon House) to those employed or last employed in the locality in agriculture or in forestry or a widow or widower of such a person.
6. A householder application for planning permission (B/00/00632), for extensions to Ceylon House and the erection of a garage building with office over, was approved on 22nd June 2000. The building was subsequently extended to five bedrooms in size.
7. An application (B/13/00707) under Section 106A of the TCPA 1990 for Removal of the agricultural occupancy tie at Ceylon House was refused on 9th August 2013. A further application (B/14/00102) seeking the same action was refused on the 9th September 2014.
8. An application for a Certificate of Lawfulness of an Existing Use - Use of Ceylon House as 1 No. Dwelling House (Class C3) not subject to any occupancy restrictions was withdrawn in July 2014.

Details of Previous Committee / Resolutions

9. None

Details of member site visit

10. None

Details of any Pre Application Advice

11. Officer advice given on potential for redevelopment of glasshouses to a single dwelling.

PART THREE – ASSESSMENT OF APPLICATION

Consultations

12. Below are details of consultation responses:

Hintlesham Parish Council: “Ceylon House has a very complicated planning history culminating in planning decision B/14/00102 in 2014 upholding its Agricultural Tie status. The Application Form (Point 14) states that the current use of the site is a former nursery but Certificate A declares that the site is not part of an agricultural holding. There is no mention anywhere in the application of a different current land use.

We feel that this unusual application on a site which has inexplicit planning classification should be considered at committee.

The Parish Council objects to the above proposal. The site is on the outskirts of Hintlesham in an area classified as countryside. Contrary to CS2, CS11 and CS 15 this development does not have a close functional relationship to the village. CS2 states that development will only be provided in exceptional circumstances subject to a proven justifiable 'need'. The 'circumstances' are unusual but do not meet any of the criteria outlined in CS2 or Paragraph 55 of the national Planning Policy Framework (NPPF). The evidence provided suggests the proposal is not sustainable. The application does not address Housing 'need'.

Exceptional Circumstances

Commendably, the application seeks to clear an existing unruly site of disintegrated glasshouses. But this will only be achieved if the council reciprocates with planning permission for a dwelling to fund the project. We find the encouragement given to the applicant at Pre planning perplexing and likely to set a precedent. The environmental gain to the landscape is moderated by a proposed new dwelling in the countryside; its location means it is not sustainable. The residents of the proposed new house would be reliant upon a car which is contrary to Paragraph 17 of NPPF which supports a low carbon future and actively manages patterns of growth to make the fullest use of public transport, walking and cycling. Environment is only one of the three strands of sustainability: this application does not address the Economic or Social dimensions.

Need

Babergh Strategic Housing has identified a local need for 2 and 3 bedroomed properties where 3 bedroom units are limited to 120 square meters. The proposed 4 bedroomed property does not address this need.”

Raydon Parish Council: “The Applicant attended Raydon Parish Council's meeting on 21 February and was given the opportunity to speak before the application was considered. He stated that the property had been sold to him at a much-reduced price, which may have been in recognition of the glasshouses removal costs. Whilst Raydon Parish Council would encourage the removal of the derelict glasshouses, we do have major concerns regarding:

1. The planning classification of the glasshouses site (is it brownfield or agricultural?);
2. Past planning permission conditions have not been met;
3. General flouting of agricultural tie rules on Ceylon House which should only have been sold to someone in agriculture, hence the discounted sale price of the property.

Raydon Parish Council has read the letter from Hintlesham and Chattisham Parish Council and supports all their comments and concerns.”

SCC Highways: Recommend refusal on grounds of inadequate visibility splays and inability of applicant to improve them given adjacent third party land.

Environmental Protection-Land Contamination- Request full Phase 1 Survey Report including a site walkover.

Representations

13. Four submissions of objection from residents in California Lane on the following grounds:

- increased traffic generated on dangerous sharp bends
- would set precedent for development of other land
- not a brownfield plot as was agricultural use
- likelihood of further development on rest of site
- site covered by agricultural tie
- cost of removing glasshouses should not be subsidised by housing development
- contrary to policies in Local Plan- CS2,CS11 and CS15
- not a sustainable location for development
- not meet housing need for 2/3 bed dwellings
- glasshouses currently screened by hedgerows and are not unsightly
- query benefits of ecological enhancements

14. Two submissions from a resident in California Lane and Property Chartwell in support citing benefits of removal of unsightly glasshouses, additional of another family home to the local community and negligible highway impact.

The Site and Surroundings

15. The Application site comprises land laid out with a number of redundant glasshouses that were last used in 1998 and were known as Chartwell Nurseries. Since the nurseries were last used they have fallen into a severe state of disrepair and become overgrown by vegetation.

16. There are three glasshouses on the site. The largest is towards the front of the site and measures 58 metres by 31 metres. Behind this are two smaller glasshouse structures, which combined have a similar area to the front glasshouse.
17. The glasshouses are interspersed by concrete access roads and hardstandings. These three structures are annotated for demolition on the submitted Existing Site Plan. The glasshouses are enclosed by a mature hedge on the road frontage which continues around the north-east and south-east boundaries.
18. The site is located adjacent to a dwelling known as Ceylon House, where the applicant resides. It is a large, two storey, five bedroom dwelling. There is a four bay garage sited to the northern side of the property. On the opposite side of the road is a dwelling known as Chartwell House. Further dwellings are located to the north-west along California Lane.
19. The site is located within the countryside in the parish of Hintlesham. The site is in the open countryside although there are dwellings nearby. The nearest designated settlement is Duke Street (Hintlesham) to the NE which is around 1km distance and the centre of the village itself where there is a school, church, public house, etc. is over 2kms away. The site is 3.5kms from Hadleigh to the west and a similar distance from Capel St Mary to the south.

The Proposal

20. The application is in outline with only 'access' for determination at this stage with all other matters reserved and the proposals can be summarised as follows:
 - demolition and removal of all the glasshouses structures
 - erection of a single dwelling, cart lodge and garden curtilage
 - utilisation of an existing access serving the site
 - change of use and conversion of the rest of the glasshouses land to domestic garden curtilage for the benefit of Ceylon House.
21. An indicative (not definitive) Proposed Site Plan shows a rectangular plot for the proposed dwelling running adjacent the north-east boundary separated by a fence from a proposed extended garden curtilage to Ceylon House. The plan shows a two storey detached dwelling set back from the road behind a drive/turning area with a detached garage /car port in front of the house.
22. In April 2017 the applicant submitted a revised Site Location Plan and additional information comprising a viability report concerning the glasshouses by Acorus Ltd, a valuation of the land with planning permission for a dwelling and a further quotation for demolition works.

NATIONAL PLANNING POLICY FRAMEWORK

23. The National Planning Policy Framework (NPPF) contains the Government's planning policies for England and sets out how these are expected to be applied. Planning law continues to require that applications for planning permission are determined in accordance with the Development Plan unless material considerations indicate otherwise. The policies contained within the NPPF are a material consideration and should be taken into account for decision-making purposes.
 - Core Planning principles- Para.17
 - Supporting a Prosperous Rural Economy- Para.28
 - Five Year Land Supply-Para.49
 - Dwellings in the Countryside-para.55
 - Requiring Good Design- paras 56-68

CORE STRATEGY

24. The Babergh Local Plan 2011-2031 Core Strategy and Policies document was adopted on the 25th February 2014 and is now fully operational (for the purposes of planning decisions among other purposes). The following policies are relevant to this particular planning application:

CS1- Presumption in Favour of Sustainable Development
CS2- Settlement Pattern Policy
CS3- Strategy for Growth and Development
CS11- Core and Hinterland Villages
CS15- Sustainable Development in Babergh
CS17- Rural Economy

NEIGHBOURHOOD PLAN / SUPPLEMENTARY PLANNING DOCUMENTS /AREA ACTION PLAN

25. Not relevant

SAVED POLICIES IN THE LOCAL PLAN

26. The Development Plan comprises the saved policies in the Babergh Local Plan Alteration No. 2 (2006). The Plan should be regarded as a material consideration in planning decisions. The following saved policies are applicable to the proposal:

HS28- Infilling
CN01- Design Standards
TP15- Parking Standards

Main Considerations

27. From an assessment of relevant planning policy and guidance, representations received, the planning designations and other material issues the main planning considerations considered relevant to this case are set out including the reason/s for the decision, any alternative options considered and rejected. Where a decision is taken under a specific express authorisation, the names of any Member of the Council or local government body who has declared a conflict of interest are recorded.

The Principle of Development

28. The National Planning Policy Framework (NPPF) requires Councils to identify and update, on an annual basis, a supply of specific deliverable sites sufficient to provide for five years worth of housing provision against identified requirements (paragraph 47). For sites to be considered deliverable they have to be available, suitable, achievable and viable.
29. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites (as stated in paragraph 49 of the NPPF). Where policies cannot be considered up-to-date, the NPPF (paragraph 14) cites the presumption in favour of sustainable development and states that planning permission should be granted unless i) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole; or ii) specific policies in the NPPF indicate development should be restricted.

30. The precise meaning of 'relevant policies for the supply of housing' has been the subject of much case law, with inconsistent results. However last month, the Supreme Court gave judgment in a case involving Suffolk Coastal District Council which has clarified the position. The Supreme Court overruled earlier decisions of the High Court and the Court of appeal in this and other cases, ruling that a "narrow" interpretation of this expression is correct; i.e. it means policies identifying the numbers and location of housing, rather than the "wider" definition which adds policies which have the indirect effect of inhibiting the supply of housing, for example, countryside protection policies. However, the Supreme Court made it clear that the argument over the meaning of this expression is not the real issue. The absence of a five year housing land supply triggers the application of paragraph 14 of the NPPF. In applying the 'tilted balance' required by this paragraph, the Council must decide what weight to attach to all of the relevant development plan policies, whether they are policies for the supply of housing or restrictive 'counterpart' policies such as countryside protection policies.
31. In accordance with National Planning Policy Guidance paragraph 030 (Reference ID: 3-030-20140306) the starting point for calculating the 5 year land supply should be the housing requirement figures in up-to-date adopted Local Plans. It goes on to state that '*...considerable weight should be given to the housing requirement figures in adopted Local Plans, which have successfully passed through the examination process, unless significant new evidence comes to light....Where evidence in Local Plans has become outdated and policies in emerging plans are not yet capable of carrying sufficient weight, information provided in the latest full assessment of housing needs should be considered. But the weight given to these assessments should take account of the fact they have not been tested or moderated against relevant constraints...*'
32. The Council published the Ipswich and Waveney Housing Market Areas Strategic Housing Market Assessment (SHMA) in May 2017 which is significant new evidence for the emerging Babergh and Mid Suffolk Joint Local Plan. Therefore, the 5 year land supply has been calculated for both the adopted Core Strategy based figures and the new SHMA based figures. For determining relevant planning applications, it will be for the decision taker to consider appropriate weight to be given to these assessments and the relevant policies of the development plan.
33. A summary of the [BDC] Council's 5 year land supply position is:
- i. Core Strategy based supply for 2017 to 2022 = 4.1 years
 - ii. SHMA based supply for 2017 to 2022 = 3.0 years
34. The NPPF requires that development be sustainable and that adverse impacts do not outweigh the benefits to be acceptable in principle. Paragraph 7 of the NPPF sets out three dimensions for sustainable development, economic, social and environmental:
- "an economic role - contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure:*
- a social role - supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being; and*

an environmental role - contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy."

35. In light of all of the above, this report will consider the proposal against the three strands of sustainable development, and also give due consideration to the provisions and weight of the policies within the development plan, in the context of the authority not being able to demonstrate a 5 year land supply.

Sustainability of the Proposal (including assessment against the development plan and the NPPF)

36. National guidance in the NPPF restricts development in the countryside for reasons of sustainability and for protection of its intrinsic value. The NPPF advises that in order to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Paragraph 55 of the NPPF sets out criteria for assessing new dwellings in the countryside and states that LPAs should avoid new isolated homes in the countryside unless there are special circumstances such as:-
- the essential need for a rural worker to live permanently at or near their place of work in the countryside; or
 - where such development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets; or
 - where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting; or
 - the exceptional quality or innovative nature of the design of the dwelling.
37. Paragraph 55 does not indicate that any new home in the countryside which is not isolated should necessarily be accepted. Nor does it define or limit the meaning of "isolated". It is the view of officers that this term does not merely relate to the existence or absence of nearby dwellings, but must be read in the context of the broad overall aim of paragraph 55, which is to promote sustainable development in rural areas by locating housing where it will enhance or maintain the vitality of rural communities and where it has good access to facilities and services.
38. Policy CS2 of the Core Strategy sets out the District's settlement policy and states that most new development will be directed sequentially to the towns/urban areas, Core and Hinterland villages. Para. 2.8.6 states (inter alia) that while small groups of dwellings and hamlets will fall within functional clusters, their remoteness and lack of services or facilities mean that such groups are classified as countryside.
39. Policy CS2 states that in the countryside, outside the towns / urban areas, Core and Hinterland Villages (as defined in the policy), development will only be permitted in exceptional circumstances subject to a proven justifiable need.
40. Policy CS15 of the Core Strategy sets out a range of criteria related to the elements of sustainable development and the principles of good design and which are to be applied to all developments, as appropriate, dependant on the scale and nature of the proposal. It requires that new development should ensure that an appropriate level of services, facilities and infrastructure are available to serve the proposed development (Part (v)) and that development should seek to minimise the need to travel by car (Part xviii).

41. Whilst Hintlesham is defined as a hinterland village in policy CS2 the Core Strategy, the application site is remote from the built up area boundary being around 1km away and is therefore deemed to be within the countryside. The site is also remote from the services within the village as described earlier in the report. The site is also remote from the nearest bus stops serving nearby centres.
42. Having regard to Paragraph 55 of the NPPF it is not considered that a dwelling in this location would be likely to enhance or maintain the vitality of rural communities namely Hintlesham owing to the separation of the site from the village's services. Having regard to the four listed special circumstances the only criterion that could possibly apply, albeit indirectly, is the third point insofar as development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting. Clearly, the development would not re-use the glasshouses but their removal would have a beneficial impact on the landscape character of the area.
43. Policy CS2 states that development in the countryside should be resisted unless there are exceptional circumstances. In this case the main issue is whether development of a single dwelling in an otherwise non sustainable location can be accepted based on a justification that the development would result in an environmental benefit, namely, the complete removal of the redundant and unsafe glasshouses.
44. The Applicant has submitted a supporting statement seeking to justify the development based on the following points:-
- the former nursery glasshouses are a visual blight on the surrounding area
 - submission of a quotation of £100,800 from Northeast Demolition UK to remove the structures together with an additional £20,000 to remove over-grown vegetation.
 - there would be environmental benefits arising from the proposal from the removal of the glasshouses
 - there would be ecological benefits from the proposal.
45. These submissions were added to in April 2017 by the submission of a Viability Statement report on the glasshouses site which considers the condition and future agricultural potential of the glasshouses. Its main conclusions are as follows:-
- The glasshouses are in a dangerous condition with risks of collapse and falling glass as a consequence of their disrepair with broken and buckled aluminium frames and missing/broken glass and damaged computer controlled ventilation systems and panels
 - The glasshouses are beyond economic repair and any re-use would require complete replacement
 - There are high costs involved in removing the structures either on a time consuming frames by frame dismantling or by a quicker bull dozing clearance which creates potential contamination impacts in the soil.
 - Given the small size of the plot there are very limited agricultural use alternatives. Use as an intensive livestock operation would work on a small site but would be inappropriate given the nearby residential uses and would be likely to be unviable given costs of clearance of the structures and clean-up of the soils. Use as a paddock is also considered to be costly due to the same constraints.
 - The report concludes that "The glasshouses on site are beyond repair. They are dangerous with a risk of falling glass and rapid deterioration due to wind damage. There is no economic alternative agricultural use which would justify removal of the glasshouses."

46. The applicant has indicated that he has no alternative means of funding to pay for the clearance and restoration of the site. Consultee responses have stated that the costs of removing the glasshouses should have been reflected in the purchase price of Ceylon House. This is a valid point, however Officers have no information on the purchase price paid for the house so as to ascertain whether it was above or below market value. However, the owners indicated that it was their original intention when moving into the dwelling to run a hydroponics business from the site using the glasshouses. However, the poor condition of the glasshouses ruled this out.
47. In respect of the evidence that the applicant has submitted in the form of two quotations for the demolition of the glasshouses, which both indicate that the costs would be of the order of around £100,000, an estate agent's valuation of the plot (in which the site is valued at £250,000 assuming planning permission is granted for a dwelling of around 280 square metres (3,000 sqft) on a plot of around 2/3rds of an acre) demonstrates that the financial value generated by the development of one dwelling would be more than sufficient to fund the removal and cleaning up of the site including any necessary ground de-contamination. There would be no justification for any additional enabling development.
48. The proposal raises an important principle concerning the justification of otherwise unacceptable development in the countryside on the basis of an environmental enhancement, in this case, the removal of redundant glasshouses. The Government in the NPPF encourages the re-use of previously developed land, however, structures formerly used for agricultural purposes are defined as green field development and excluded from the definition of previously developed land. Notwithstanding this the glasshouses have a significant visual impact in the countryside and it is rather simplistic to treat them as greenfield development and not give weight to proposals securing their removal. The government's widening of permitted development rights for changes of use from redundant agricultural buildings in the countryside to residential use offer no solutions as the glasshouses are both impractical to convert and in such disrepair as to be unable to be converted. The Applicant's Viability Report also suggests there are no viable alternatives either for the re-use of the glasshouses or for the re-use of the land following their demolition.
49. Officers consider that the proposal represents a 'once and for all' solution to the removal of the glasshouses, which have been vacant for many years and their condition is judged to be dangerous, although given their isolated location there is no immediate public danger.
50. It is acknowledged that granting permission for the development could set a precedent for similar development of redundant agricultural structures elsewhere. However, it is an important tenet of planning law that each case must be determined on its individual merits and circumstances. In this case the large size of the glasshouse complex, the poor condition of the structures and the lack of alternative solutions are considered relevant. Members are asked to consider the proposition that a single dwelling can be justified as an exceptional circumstance, having regard to the terms of Policy CS2, which if approved would fund the clearance and clean up the site in exchange for one dwelling.

Site Access, Parking and Highway Safety Considerations

51. The proposed development plot is sited at the eastern end of the glasshouses site adjoining farmland. The proposed development would be served by an existing vehicular access, which formerly served the plant nursery and could in theory be re-used by an alternative similar use.
52. The Highway Authority has recommended refusal of the application on grounds that the access is sub-standard with respect to visibility. Whilst this is not disputed it is necessary to consider the proposal in the context of the established use. It is clear that use of the access by a single dwelling would be much less intensive than a nursery or similar use.

Design and Layout

53. The outline application seeks consent at this stage only for access with all other matters reserved for later determination. In effect the application seeks only to establish the principle of development.

Landscape Impact

54. The glasshouses are enclosed to the front, sides and rear by established mature hedgerows and trees which provide significant screening particularly from Raydon Road. Although it should be noted that during the Winter months the structures would be far more visible in the landscape particularly along Raydon Road. The proposals would retain such screening, which would be enhanced by additional hard and soft landscape planting.

Environmental Impacts - Trees, Ecology and Land Contamination

55. The site was formerly in use as a commercial plant nursery and the Environmental Protection-Land Contamination Officer is concerned about potential soil contamination from use of pesticides, herbicides, etc. If approved the ground would need to be properly surveyed and risk assessed and suitable mitigation measures identified and carried out. This would include clean-up of glass and other building materials arising from the current dilapidated state of the site.

Impact on Residential Amenity

56. The application site is in a relatively isolated location with the nearest dwelling being Ceylon House, which is approximately 60 metres to the west. Accordingly it is not considered that any residential amenity issues are raised at this stage by the proposals.

Biodiversity and Protected Species

57. The application is accompanied by an Extended Phase 1 Habitat Survey, which assesses the impact of the development on habitats and species including nesting birds, bats, reptiles and amphibians. The report confirms that subject to suitable precautionary measures and timing of works that there would not be a significant harm to habitats and species. Moreover there is potential for biodiversity gains through new native landscape planting, bird and bat boxes and hedgehog shelters. Mitigation measures and enhancements may be controlled by suitable conditions.

Ceylon House Agricultural Tie

58. The agricultural occupation tie on Ceylon House has been raised as an issue by a number of consultees concerned that the loss of the glasshouses undermines the validity of the agricultural tie. The tie is not directly relevant to this case for the following reasons:
- the tie only relates to the dwelling , which is not part of the application site
 - the tie does not link occupation of the dwelling to the use of the glasshouses .i.e. occupation of the dwelling is not only for persons employed at the glasshouses
 - the glasshouses are in such disrepair and dereliction that they no longer offer horticultural floorspace fit for purpose nor is there a viable alternative agricultural use
 - the status of the tie is a separate planning issue.

Details of Financial Benefits / Implications (S155 Housing and Planning Act 2016)

59. The proposed development for a single dwelling is liable to make a financial contribution to the Council under CIL, the amount of which would be dependent on the final size of the dwelling. This would be exempted if the applicant claims a self-build exemption.

PART FOUR – CONCLUSION

Planning Balance

60. The glasshouses formed part of a nursery business on the site which is long gone and no alternative use has come forward to re-use them in nearly 20 years. They are now beyond repair, redundant and dangerously unsafe. They are also unsightly in the landscape. The proposal for their replacement with a dwelling and a garden extension is an opportunity to remove these structures and clean up the site. But, this is not a sustainable location for new housing development being in the countryside and remote from the nearest settlements and services. A refusal of the application could be justified on the grounds that the dwelling is in an unsustainable location, which is not justified by the removal of glasshouses. However, Officers consider on the balance of the issues, including the absence of a five year land supply, that planning permission should be granted on the exceptional basis that the proposal would constitute an enabling development leading to the total removal of the glasshouses and the enhancement of the area.

Statement Required By Article 35 of the Town and Country Planning (Development Management Procedure) Order 2015.

61. When determining planning applications The Town and Country Planning (Development Management Procedure) (England) Order 2015 requires Local Planning Authorities to explain how, in dealing with the application they have worked with the applicant to resolve any problems or issues arising.
62. In this case Officers have sought additional information and justification from the applicant with respect to alternative options for the future of the glasshouses other than the proposed single dwelling. The red lined application site has also been amended to include all the glasshouses so that, if approved, a condition requiring the demolition of all the glasshouses can be imposed in connection with the erection of one dwelling.

Identification of any Legal Implications

63. The application has been considered in respect of the current development plan policies and relevant planning legalisation. Other legislation including the following have been considered in respect of the proposed development.
- Human Rights Act 1998
 - The Equalities Act 2012
 - Town & Country Planning (Listed Buildings & Conservation Areas) Act 1990
 - Natural Environment and Rural Communities (NERC) Act 2006 (any rural site)
 - The Conservation of Habitats and Species Regulations 2010
 - Localism Act
 - Consideration has been given to the provisions of Section 17 of the Crime and Disorder Act, 1998, in the assessment of this application but the proposal does not raise any significant issues.

RECOMMENDATION

That planning permission be granted subject to conditions including:-

- Standard outline consent time limit
- External facing materials
- Removal of all glasshouses prior to occupation of new dwelling
- Contamination assessment
- Ecological mitigation and enhancements
- Hard and soft landscaping
- Hedgerow protection
- As required by the Highway Authority




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Application No: B/17/00023/OUT




Parish: Hintlesham



Location: Ceylon House, Raydon Road, Hintlesham

Legend

-  Area of Outstanding Natural Beauty
-  Special Landscape Area
-  Conservation Area

Listed Buildings

-  Grade 1
-  Grade 2
-  Grade 2 *

-  The Site
-  Built up Area Boundary



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Agenda Item 9e

Committee Report

Item No: 5

Reference: B/17/00200
Case Officer: John Davies

Description of Development: Erection of 2 no. bungalows and new means of access from Queens Close.

Location: Land to the rear of Dunedin, Queens Close, Sudbury, CO10 1US

Parish: Sudbury

Ward: Sudbury East.

Ward Member/s: Cllr A Osborne and Cllr J Osborne

Site Area: 0.09ha

Conservation Area: No

Listed Building: No

Received: 22.2.2017

Expiry Date: 19.4.2017

Application Type: FUL - Full Planning Application

Development Type: Minor Dwellings

Environmental Impact Assessment: Environmental Assessment Not Required

Applicant: Mr & Mrs King

Agent: Medusa Design

DOCUMENTS SUBMITTED FOR CONSIDERATION

List of applications supporting documents and reports

Site Location Plan- 1562/16/01C received 7.6.17

Proposed Plans and Elevations- 1562/16/02B received 7.6.17

Existing sections – 1562/16/03A received 7.6.17

Proposed sections- 1562/16/04A received 7.6.17

The application, plans and documents submitted by the Applicant can be viewed online.

Alternatively a copy is available to view at the Mid Suffolk and Babergh District Council Offices.

SUMMARY

The proposal has been assessed with regard to adopted development plan policies, the National Planning Policy Framework and all other material considerations. The officers recommend approval of this application. The proposed development represents sustainable development which is not deemed contrary to relevant policies.

PART ONE – REASON FOR REFERENCE TO COMMITTEE

The application is referred to committee for the following reason/s:

- A Member of the Council has requested that the application is determined by the appropriate Committee and the request has been made in accordance with the Planning Charter or such other protocol / procedure adopted by the Council.

PART TWO – APPLICATION BACKGROUND

History

1. The planning history relevant to the application site is listed below. A detailed assessment of the planning history including any material Planning Appeals will be carried out as needed in Part Three:
 - B/15/00770/FUL – Erection of detached one and a half storey 4 bedroom dwelling- Approved
 - B/14/01462/FUL - Erection of detached one and a half storey dwelling and detached two bay cartlodge/garage –Refused.
 - B/15/1035/FUL- Erection of dwelling (adjacent to Deepside) –Approved.
 - B/14/01277/FHA - Erection of first-floor front extension and construction of 1 no. dormer window on front elevation and 2 no. dormer windows on rear elevation of property known as Deepside. – Granted.
 - B/13/01350/FUL - Erection of one detached two storey dwelling and new vehicular access on land adjacent to Dunedin- Approved.
 - B/12/00531/OUT - Erection of 2 no. 3 bedroom dwellings and erection of 4 no. 4 bedroom dwellings (following demolition of a bungalow), as amended to 4 no. dwellings on land known as Deepside- Refused.
 - B/11/00563/OUT - Outline - Layout of the site for the erection of 6 (no.) detached dwellings (following demolition of existing bungalow). Construction of vehicular access on land known as Deepside –Withdrawn.
 - B/11/00383/FUL - Erection of 3 No. 3-4 storey detached dwellings and demolition of bungalow on land known as Dunedin- Refused. Allowed on appeal.
 - S/1022/1/S/OUT - Outline - erection of 3 bungalows and 3 accesses –Granted

- S/1022/3/S/FUL - Erection of 1 bungalow and construction of vehicular access –Granted.
- S/1022/S/FUL - Erection of dwelling house – Granted.

Details of Previous Committee / Resolutions

2. None

Details of member site visit

3. None

Details of any Pre Application Advice

4. None

PART THREE – ASSESSMENT OF APPLICATION

Consultations

5. Summary of Consultations.

Sudbury Town Council - No response received.

Local Highway Authority - No objection subject to conditions regarding surfacing of access and provision of parking/turning area.

Environmental Protection- Contamination - No objection subject to standard contamination condition.

SCC Public Rights of Way - No objection

Representations

6. Objections have been received to the proposal which can be summarised as follows:

- Increase in traffic in Queens Close
- Access to East Street must be blocked off to traffic
- Restoration of footpath and bridge access required
- Over-development of plot
- Same restrictions as previous approval for one dwelling must be re-applied
- Proximity of development to foundations of Bridge Terrace
- Potential for further development on plot adjacent to recently built house
- Use of proposed access cause noise and disturbance to Bridge Terrace residents

The Site and Surroundings

7. The application site comprises a plot of land of 0.1 hectares in area located between Queens Close and East Street. It is a cleared site with no current nor an identifiable former use, although it is known to have been a former quarry pit.
8. The site is bounded by a public footpath and the rear gardens of houses fronting Newmans Road to the south-west; a house and garden known as Dunedin to the north-west, a new dwelling adjacent to it and a house known as Deepside to the north and north-east; and a terrace of six houses to the east known as 1-6 Bridge Terrace also referred to as Bridge Cottages.
9. There is an existing vehicular access from East Street which serves dwellings in Bridge Terrace and some fronting East Street. The Bridge Terrace dwellings have access via steps down to the access track as well as access to the public footpath via a bridge link over the access track.
10. The site is outside the Sudbury Conservation Area, the extent of which is defined by the rear boundaries of properties in East Street.
11. The application site is within a 'bowl' comprising a former quarry and at a lower level than all surrounding development. There is a pronounced fall in levels from Queens Close to East Street. The difference in levels between Queens Close and the application site is around 5.5 metres.

The Proposal

12. The application seeks permission to build a pair of semi-detached bungalows on the site in a position roughly in the middle of the plot with the front of the dwellings facing north-eastwards towards the rear garden of Deepside and the rear gardens abutting the public footpath.
13. The proposed dwellings would have 2 bedrooms each. They would be designed with buff facing brick and a clay pantiled roof.
14. The dwellings would be served from Queens Close, by the provision of a driveway from Queens Close leading down to parking and turning areas in front of each dwelling. No vehicular access is shown on the submitted Site Plan serving East Street and therefore it is expected that all vehicular access would be from Queens Close.

NATIONAL PLANNING POLICY FRAMEWORK

15. The National Planning Policy Framework (NPPF) contains the Government's planning policies for England and sets out how these are expected to be applied. Planning law continues to require that applications for planning permission are determined in accordance with the Development Plan unless material considerations indicate otherwise. The policies contained within the NPPF are a material consideration and should be taken into account for decision-making purposes.

CORE STRATEGY

16. **Babergh Core Strategy 2014**
 - **CS1** - Presumption in favour of sustainable development
 - **CS2** - Settlement Pattern
 - **CS15** - Implementing Sustainable Development
 - **CS16** - Town, Village and Local Centres
 - **CS19** - Affordable Housing

NEIGHBOURHOOD PLAN / SUPPLEMENTARY PLANNING DOCUMENTS / AREA ACTION PLAN

17. None

SAVED POLICIES IN THE LOCAL PLAN

18. The Development Plan comprises the saved policies in the Babergh Local Plan Alteration No. 2 (2006). The Plan should be regarded as a material consideration in planning decisions. The following saved policies are applicable to the proposal:

- **CN01** - Design Standards
- **CN08** - Development in or near Conservation Areas
- **HS28** - Infill Development

Main Considerations

19. From an assessment of relevant planning policy and guidance, representations received, the planning designations and other material issues the main planning considerations considered relevant to this case are set out including the reason/s for the decision, any alternative options considered and rejected. Where a decision is taken under a specific express authorisation, the names of any Member of the Council or local government body who has declared a conflict of interest are recorded.

The Principle Of Development

20. The application site is within the Sudbury urban area and not far from the town centre. It is therefore a highly sustainable location. Under Core Strategy Policy CS2, most new development is to be directed sequentially to the towns, core and hinterland villages and, therefore, the principle of development on the site is fully in accordance with that policy.
21. There is relevant planning history for the land most notably the approval of planning permission for a four bedroom two storey dwelling on the site in 2015. The site constitutes a brown field site for which the NPPF promotes re-use. This is echoed in Policy CS15 which, inter alia, prioritises the use of brownfield land for new development.
22. Some representations refer to the potential for further development on a plot adjacent to recently built house fronting Queens Close. This plot has permission for a dwelling granted under B/15/1035/FUL on 3 March 2016.

Sustainability Assessment of Proposal

23. The application site is within Sudbury town centre and is close to town centre shops and services. It is therefore in a highly sustainable location.

Site Access, Parking And Highway Safety Considerations

24. It is proposed that the development would be served from Queens Close as in the previously approved development for one dwelling on the site. However the main difference is that parking is now proposed in front of each of the dwellings served by a driveway down into the site as opposed to parking as previously approved adjacent to Queens Close in tandem formation.

25. The vehicular access to East Street is an existing track which already serves some properties in Bridge Terrace. However it is narrow and visibility at the junction with East Street is obstructed by parked vehicles such that the LHA consider it to be sub-standard and unsuitable for any additional use. In a previous application prior to the consented scheme the LHA objected to an intensification of use of the access and this impact was one of the reasons for refusal of that proposal.
26. The adopted parking standards within 'Suffolk Guidance for Parking' require two parking spaces for dwellings providing two bedrooms. This is provided on the submitted plans.
27. The submitted plans show access and parking from Queens Close and nothing in their plans suggests that vehicular access would be also taken from East Street and therefore in front of Bridge Terrace. Nevertheless the Applicant has a legal right to use the access to East Street and the submitted plans do not show any physical impediment to using it other than the limited headroom under the apex of the bridge itself. Concerns are raised in consultee responses about intensification of use of the access onto East Street.
28. To address this concern in the previous permission a condition was imposed that some form of permanent physical impediment to restrict use of the access by motor vehicles should be put in place within the Application site. The form of which should still allow pedestrian and bicycle access under the bridge to East Street. It is recommended that the same condition be imposed.

Design and Layout

29. The NPPF encourages high standards of design for new development, which is reflected in saved Local Plan policy CN01 which requires, among other things, development to be sympathetic to its setting in terms of scale, form and design.
30. The proposed dwellings would be of single storey scale and semi-detached form. The dwellings would be positioned centrally within the plot. The Plot 1 would be 2 metres from the end gable of 1 Bridge Terrace and the main bulk of the dwelling would be forward of the Bridge Terrace frontage. Given the single storey building form the ridge height of the projecting front wing of Plot 1 would be approximately at first floor level on Bridge Terrace as can be seen in the submitted Proposed Site Sections.
31. The proposed dwelling would sit on ground lower than any other development around it and its ridge would also be lower than any surrounding buildings. Facing materials are proposed as buff bricks with clay pan tiles. This is consistent with the surrounding area as most of the surrounding buildings have buff coloured brickwork and either slate or concrete tiles.
32. The proposed development comprises two units and includes satisfactory external amenity space for each unit. Given the building's siting on lower ground compared to surrounding development and its lower scale, it is not considered to be an over-development of the site. Moreover, the development would constitute the regeneration of a dis-used brownfield site.

Environmental Impacts - Trees, Ecology And Land Contamination

33. There are no trees on the site where the dwellings are proposed. However, there are trees and other vegetation on the bank supporting the line of the footpath. These trees are to be retained and a condition is recommended, as before, requiring the Applicant to submit a structural assessment of the integrity of the bank and any necessary remedial measures. A standard condition on ground contamination is also recommended.

Heritage Issues

Impact on Conservation Areas

34. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states '...In the exercise, with respect to any buildings or other land in a conservation area....special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area'.
35. With regard to impact on the Sudbury Conservation Area it is necessary to consider whether the development would preserve or enhance its character in accordance with policies in the NPPF and saved policy CN08. It is noted that the site for the development is outside the Conservation Area and would be sited around 38 metres from East Street and views of the building would be largely obscured by Bridge Terrace. For these reasons, it is not considered that the development would have any impact on the Conservation Area.

Impact on Listed Buildings

36. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that *'in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority.....shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses'*.
37. It is not considered that the development would have any adverse impact on the setting of listed buildings at 60-71 East Street given the separation distance from East Street and intervening development.

Impact on Residential Amenity

38. The nearest neighbours to the proposed development are the residents of Bridge Terrace and especially No.1 which is the end terrace house closest to the new dwelling, Dunedin and Deepside which both front Queens Close. This assessment considers whether the development would potentially give rise to any loss of amenity to any of these residents in having regard to a range of possible impacts as follows.
39. **Loss of sunlight/Daylight** - the proposed dwellings are to be sited to the west of Bridge Terrace and its position and single storey scale would have no material effect on sunlight or daylight to the frontages of Bridge Terrace. The dwellings of Dunedin and Deepside are further away from and at a higher level than the proposed development site and would be therefore unaffected.
40. **Overlooking** - in view of the low level of the development site relative to Dunedin and Deepside there would be no overlooking impacts. The proposed dwellings would sit forward of and at a lower level in relation to No.1 Bridge Terrace and would not give rise to overlooking.
41. **Visual Intrusion** - the proposed dwelling would have a separation of 2 metres from reasonable separation from the side gable of Bridge Terrace and its rear building line would not project back on the plot further than that of No.1. Given also the lower footprint and ridge line of the proposed dwelling it is considered overall that the dwelling would not give rise to unreasonable visual intrusion.

Footpath Stability

42. It is apparent on site that ground clearance works carried out by the Applicant in 2014 have reduced ground levels in some places and led to concerns about the stability of the bank along the south-west boundary of the site which borders the public footpath. There is also concern about the stability of trees and vegetation along this boundary. In response to these concerns it is recommended that a condition be imposed requiring the submission of a structural assessment of the bank adjoining the footpath. This would be expected to assess the structural integrity of the bank having regard to impact on the footpath and trees and make recommendations, if necessary, for any remedial works. Such a condition would be accompanied by a condition requiring a landscaping scheme to be submitted which would be expected to provide appropriate planting reinforcement along that boundary.

Impacts on Foundations of Bridge Terrace buildings

43. Concerns have been raised by neighbours over ground excavation works close to the footings of 1 Bridge Terrace attributed to the actions of the applicant during site clearance works in 2014. Requests have been made requiring the applicant to restore ground levels adjacent to Bridge Terrace. Any impacts on the structural integrity of the building at 1 Bridge Terrace arising from works carried out on the application site would fall to be assessed under the Building Regulations and are not normally a matter for consideration as part of the planning application assessment. However, in addition to the standard levels condition imposed on the previous approval an additional condition was included at the request of the Planning Committee requiring that a survey assessment of the stability of properties in Bridge Terrace shall be undertaken the results of which together with any recommendations for remediation works shall be submitted to the Local Planning Authority for its written approval.

Details of Financial Benefits / Implications (S155 Housing and Planning Act 2016)

44. There are no implications.

PART FOUR – CONCLUSION

Planning Balance

45. The site has an extant planning permission for a dwelling and therefore the principle has been established. In assessing the proposal for two dwellings in the form of a single storey pair of semi-detached buildings the main implications are intensification of use, design and highways implications. The Intensification of use is not significant as the scheme proposes 2 two bedroom smaller dwellings for the larger 4 bedroom house previously approved. As a single storey development the impact on the surrounding area is lessened compared to the approved two storey house and the scheme makes satisfactory provision for on site parking.

Statement Required By Article 35 Of The Town And Country Planning (Development Management Procedure) Order 2015.

46. When determining planning applications The Town and Country Planning (Development Management Procedure) (England) Order 2015 requires Local Planning Authorities to explain how, in dealing with the application they have worked with the applicant to resolve any problems or issues arising.

47. In this case Officers have liaised with the applicant regarding the facing materials and the extent of excavation works in proximity to Bridge Terrace.

Identification of any Legal Implications

48. The application has been considered in respect of the current development plan policies and relevant planning legislation. Other legislation including the following have been considered in respect of the proposed development.

- Human Rights Act 1998
- The Equalities Act 2012
- Town & Country Planning (Listed Buildings & Conservation Areas) Act 1990
- Natural Environment and Rural Communities (NERC) Act 2006 (any rural site)
- The Conservation of Habitats and Species Regulations 2010
- Localism Act
- Consideration has been given to the provisions of Section 17 of the Crime and Disorder Act, 1998, in the assessment of this application but the proposal does not raise any significant issues

RECOMMENDATION

That grant planning permission be granted subject to conditions including:

- Standard time limit
- Facing materials
- Existing and Proposed Slab levels
- Hard and soft Landscaping scheme
- Construction Management Plan
- Removal of permitted development
- Barrier to prevent use of access to East Street
- Structural survey of Footpath boundary and Bridge Terrace
- As required by LHA




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Application No: B/17/00200/FUL




Parish: Sudbury



Location: Land to the rear of Dunedin, Queens Close, Sudbury

Legend

-  Area of Outstanding Natural Beauty
-  Special Landscape Area
-  Conservation Area

Listed Buildings

-  Grade 1
-  Grade 2
-  Grade 2 *

-  The Site
-  Built up Area Boundary



BABERGH DISTRICT COUNCIL

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Agenda Item 9f

Committee Report

Committee Date: 21 June 2017

Item No: 6

Reference: B/17/00232

Case Officer: John Davies

Description of Development: Erection of detached annexe (following demolition of garage).

Location: 46 Broom Street, Great Cornard, SUDBURY, CO10 0JT

Parish: Great Cornard

Ward: Great Cornard North

Ward Member/s: Cllr A C Bavington and Cllr T Burrows

Site Area: 0.09

Conservation Area: Not in Conservation Area

Listed Building: Not Listed

Received: 16/02/2017 14:00:43

Expiry Date: 12/05/2017

Application Type: Full Householder Application

Development Type:

Environmental Impact Assessment: N/A

Applicant: Mr & Mrs P Beer

Agent: Mark Swift Design

DOCUMENTS SUBMITTED FOR CONSIDERATION

List of applications supporting documents and reports

Defined Red Line Plan:

The defined Red Line Plan for this application is Drawing Location Plan received 17 February 2017 only. This drawing is the red line plan that shall be referred to as the defined application site. Any other drawings approved or refused that may show any alternative red line plan separately or as part of any other submitted document have not been accepted on the basis of defining the application site.

Plans and Documents:

Application form received 16 February 2017 and plans 01-17-01R1 received 17/2/17 and 01-17-02 received 16/2/17.

Application 145A - Received 13/09/2016

Block Plan - Existing 234C - Received 13/09/2016
Floor Plan - Proposed 672A - Received 13/09/2016

The application, plans and documents submitted by the Applicant can be viewed online.

Alternatively, a copy is available to view at the Mid Suffolk and Babergh District Council Offices.

SUMMARY

The proposal has been assessed with regard to adopted development plan policies, the National Planning Policy Framework and all other material considerations. The officers recommend approval of this application. The proposed development represents sustainable development compliant with relevant saved policies CN01 and HS35 of the Babergh Local Plan Alteration No.2 (2006).

PART ONE – REASON FOR REFERENCE TO COMMITTEE

The application is referred to committee for the following reason/s:

This application is reported to committee as the applicant is a District Councillor.

The Monitoring Officer has reviewed the application file and is satisfied that the application has been processed properly and correctly in accordance with all established procedures and requirements.

PART TWO – APPLICATION BACKGROUND

1. This section details history, policies, advice provided, other legalisation and events that form the background in terms of both material considerations and procedural background.

History

2. The planning history relevant to the application site is listed below. A detailed assessment of the planning history including any material Planning Appeals will be carried out as needed in Part Three:

| | | |
|-------------|--|-----------------------|
| B/92/00565 | Erection of a single-storey side extension and rear conservatory | Granted 08/07/1992 |
| B//88/01032 | Erection of a two-storey rear extension | Granted 16/09/1988 |
| B//87/00976 | Outline - erection of two detached dwellings and construction of vehicular | Granted 13/01/1988 |

access as amended by agent's letters
dated 06/10/87 and 16/12/87

B//87/00033

Erection of detached two-storey dwelling
with integral double garage and
construction of vehicular access

Granted
20/02/1987

Details of Previous Committee / Resolutions

3. None

Details of Member site visit

4. None

Details of any Pre Application Advice

5. Officer advice given on planning options and processes.

PART THREE – ASSESSMENT OF APPLICATION

Consultations

6. Summary of Consultations

Great Cornard Parish Council: No objection

Local Highway Authority: No objection

Representations

7. A comment has been received from person whose home address is in London stating:
- assessment of proposal should refer to policy HS35 (residential annexes)
 - proposed annex contains kitchen and bathroom and could be considered a self contained unit
 - submission does not demonstrate annex could not be provided as an extension

The Site and Surroundings

8. The application site comprises a two storey detached house with access from Broom Street. To the rear of the house there is a garden and beyond that a flat roofed double garage and a single garage together with a small summer house.
9. There is a tall mature hedge to the rear boundary and the boundary to No.44 Broom Street is part walled/part fenced with some vegetation. On the other side of the rear boundary is an electricity sub- station.
10. The site is within the built up area of Great Cornard.

The Proposal

11. The proposals comprise the demolition of an existing double garage in the rear garden and the erection on the same site of a single storey annexe building.
12. The proposed annexe would be located to the south-east rear corner of the site adjacent to the rear part of the boundary with No. 44.
13. The proposed annexe would have a low pitched, ridged roof to a maximum ridge height of 4.1 metres. It would be 8.3 metres in length along the boundary (with No.44). It would be 6.2 metres wide. The internal accommodation would comprise one bedroom and an ensuite together with a combined lounge/kitchen/diner. The gross floorspace would be approximately 50 square metres, which compares with an area of 32 square metres for the existing garage.
14. The building would be of brick construction with red facing brickwork, concrete roof tiles and white uPVC joinery.
15. All openings (windows and doors) face into the site and the only openings facing neighbours are two roof windows lighting a kitchen and an ensuite facing No. 44.
16. A new timber fence on the boundary would replace an existing fence.

NATIONAL PLANNING POLICY FRAMEWORK

17. The National Planning Policy Framework (NPPF) contains the Government's planning policies for England and sets out how these are expected to be applied. Planning law continues to require that applications for planning permission are determined in accordance with the Development Plan unless material considerations indicate otherwise. The policies contained within the NPPF are a material consideration and should be taken into account for decision-making purposes.
 - Core Planning principles- Para.17
 - Requiring Good Design- Paras 56-68

CORE STRATEGY

18. The Babergh Local Plan 2011-2031 Core Strategy and Policies document was adopted on the 25th February 2014 and is now fully operational (for the purposes of planning decisions among other purposes). The following policies are relevant to this particular planning application:
 - CS1- Presumption in Favour of Sustainable Development
 - CS2- Settlement Pattern Policy
 - CS3- Strategy for Growth and Development
 - CS15- Sustainable Development in Babergh

NEIGHBOURHOOD PLAN / SUPPLEMENTARY PLANNING DOCUMENTS /AREA ACTION PLAN

19. None

SAVED POLICIES IN THE LOCAL PLAN

20. The Development Plan comprises the saved policies in the Babergh Local Plan Alteration No. 2 (2006). The Plan should be regarded as a material consideration in planning decisions. The following saved policies are applicable to the proposal:

- HS35- Annexes
- CN01- Design Standards
- TP15- Parking Standards

Main Considerations

21. From an assessment of relevant planning policy and guidance, representations received, the planning designations and other material issues the main planning considerations considered relevant to this case are set out including the reason/s for the decision, any alternative options considered and rejected. Where a decision is taken under a specific express authorisation, the names of any Member of the Council or local government body who has declared a conflict of interest are recorded.
22. The following are identified as the main considerations in assessing this application:
 - Principle of Development
 - Site Access, Parking And Highway Safety Considerations
 - Design And Layout
 - Impact On Residential Amenity

The Principle Of Development

23. The site is located within the settlement of Sudbury/Great Cornard, which is one of the main towns in the District and where new development in principle is supported in line with settlement policy CS2.

Saved policy HS35 is particularly relevant to the application as the proposal seeks planning permission for a self-contained annexe to be occupied in conjunction with the main house.
24. Saved Policy HS35 promotes the provision of self- contained annexes as extensions to existing dwellings rather than detached units in the interests of preventing the creation of separate dwellings particularly in the countryside. To this end the Policy requires the Applicant to :
 - Explain the need for the annex
 - Demonstrate the functional and practical linkages with the host dwelling
 - Indicate how it might be used in the future if the present need ceases
 - Explain why the unit cannot be provided as an extension to the existing dwelling.

25. In a letter dated 9 May 2017 the agent explains that the need for the annexe is for accommodating visiting family members and friends and for their own use in later life when they may have reduced mobility and need for care. It is confirmed that the annexe would not be used as a separate household or residence.
26. The policy states that the Applicant should demonstrate why the additional accommodation could not be provided as an extension to the existing dwelling. The letter states that providing an annexe as an extension would not be practical for the following reasons:
- A side extension would impede the access driveway to the side of the house
 - A rear extension would result in a significant loss of the rear garden area and diminish the outlook from living rooms facing the garden
 - A main foul sewer crosses the middle of the garden, which is a constraint on any building there.
27. Your officers consider, having regard to the above submissions, that the proposal satisfies saved Policy HS35 in that provision of the annexe could not be provided as an extension and there is satisfactory need for its provision.

Site Access, Parking And Highway Safety Considerations

28. The annexe would be served by the existing access from Broom Street and shared with the main house. There is sufficient parking on site and the Highway Authority has raised no concerns.

Design And Layout

29. The proposed annexe would be located at the bottom of the garden and would be screened from any public views from the road by the main house. It would therefore only be visible by the immediate neighbours. The annexe would be of traditional construction and the proposed facing materials are considered satisfactory.

Impact On Residential Amenity

30. The proposed annexe would be located on the site of an existing garage structure at the bottom of the garden close to the boundary with No.44. It would be located around 9 metres from the dwelling at No.44 and separated by a standard sized fence and vegetation. The structure would have a low pitched roof and apart from a couple of roof lights there would be no openings facing the neighbour's property.
31. Accordingly it is considered that it would not give rise to any material loss of residential amenity to the neighbour. Moreover, no comments in respect of the proposals have been received from any neighbours

PART FOUR – CONCLUSION

Planning Balance

32. When taken as a whole and as a matter of planning judgement, the proposal is considered to adhere to the development plan and NPPF and therefore can be considered sustainable development. There is a presumption in favour of sustainable development. The application is therefore recommended for approval.

Statement Required By Article 35 Of The Town And Country Planning (Development Management Procedure) Order 2015.

33. When determining planning applications The Town and Country Planning (Development Management Procedure) (England) Order 2015 requires Local Planning Authorities to explain how, in dealing with the application they have worked with the applicant to resolve any problems or issues arising.
34. In this case the planning authority has sought additional clarification from the Applicant regarding compliance with saved policy HS35 (Annexes).

Identification of any Legal Implications of the decision

35. The application has been considered in respect of the current development plan policies and relevant planning legalisation. Other legislation including the following have been considered in respect of the proposed development.
- Human Rights Act 1998
 - The Equalities Act 2012
 - Town & Country Planning (Listed Buildings & Conservation Areas) Act 1990
 - Natural Environment and Rural Communities (NERC) Act 2006 (any rural site)
 - The Conservation of Habitats and Species Regulations 2010
 - Localism Act
 - Consideration has been given to the provisions of Section 17 of the Crime and Disorder Act, 1998, in the assessment of this application but the proposal does not raise any significant issues.

RECOMMENDATION

That permission be granted subject to conditions including:

- 1) Standard Time Limit Condition.
- 2) Approval of details of facing materials
- 3) Restriction of occupation of annexe to be ancillary to 46 Broom Street




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Application No: B/17/00232/FHA




Parish: Great Cornard



Location: 46 Broom Street, Great Cornard

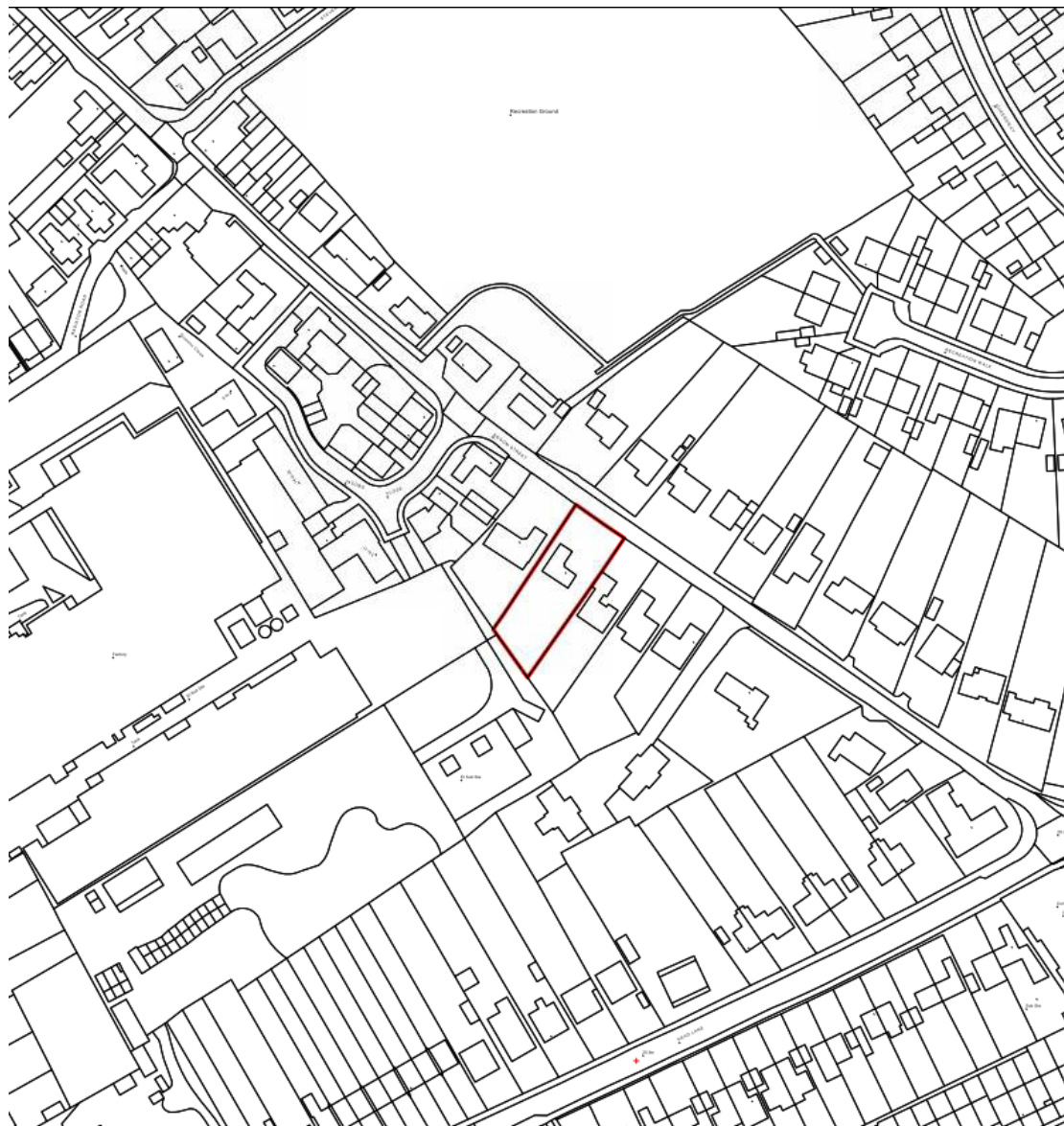
Legend

-  Area of Outstanding Natural Beauty
-  Special Landscape Area
-  Conservation Area

Listed Buildings

-  Grade 1
-  Grade 2
-  Grade 2 *

-  The Site
-  Built up Area Boundary



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